

21
THE
ARRAIGNMENT
AND CONVICTION
OF VSVRIE.

THAT IS,
The iniquitie, and vnlawfulness of vsurie,
displayed in sixe Sermons, preached at Saint
Edmunds Burie in Suffolke, vpon
Proverb. 28. 8.

By MILES MOSSE, Minister of the worde,
and Bachelor of Diuinitie.

Scene and allowed by authoritie.

The especiall contents of this booke, are declared in
the page next before the treatise it selfe.

Reade all, or censure none.

Ambros. lib. de Tobia. Cap. 10.

{ Nihil interest inter Funus, & Fœnus:
Nihil inter mortem distat, & sortem:
Personat. Ancebreuiulatum, fœnoris vsura. }



AT LONDON
Printed by the widdow Orwin, for Thomas
Man. 1595.

THE
REALITY
AND CONVICTION
OF VICE

THAT IS

The importance and reality of the
life of the human soul in the
Christian faith in the life of the
individual.

By Miss Moss, Minister of the Word
and Pastor of the Church

and also by the author

The first and second parts of the
book are written by the author.

The third part is written by the author.

The fourth part is written by the author.

The fifth part is written by the author.
The sixth part is written by the author.
The seventh part is written by the author.
The eighth part is written by the author.



Printed by the London Missionary Society
London 1857



TO THE MOST RE-
VEREND FATHER IN GOD,
JOHN ARCHBISHOP OF CANTVR-

burie, Primate of all England, and Metro-
politane, and one of the LL. of her Ma-
iesties most Honorable priuie

Counsell:

*Miles Mosse wisheth the increase of all the graces of
God, necessarie to true godlines in this life, and
to everlasting saluation in the
life to come.*



He inscription and dedica-
tion of bookes, to men of
note and regarde in their
time, either for religion, or
vertue, or learning, or au-
thoritie: is well knowne to
your Grace, (Right Hono-
rable and most reuerend fa-

ther,) for continuance to be very ancient, and for
vse to be exceeding profitable. Auncient it is, as
appeareth by the writings of the fathers. Damas-
cene dedicateth one of his treatises to the ^a Bishop
of Maume, another to the ^b Bishop of Laodicea.
Arnobius inscribeth his commentaries vpon the

^a Tractat. de
Logica.

^b Introductio
dignitatum
elementaris.

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e Arnob. Pro-
log. Com. in
Pial.
d Lactant. in-
stit. lib. 1. ca. 1.

e Iust. Mart. de
verit. christ. re-
lig. tom. 2.

f Enchirid.
tom. 3.

g De spirit. &
litera tom. 3.

h De menda-
cio. tom. 4.

i Contra duas
Epist. pelagia-
norum. tom. 7.

k 2. Tim. 3. 16.
l Act. 1. 1.

m Gualther.
hom. 1. in Act.

1.

Psalmes, & *Charissimis Patribus*, *Laurentio & Rustico Episcopis*: To his deare fathers *Laurentius* and *Rusticus* Bishops. & *Lactantius* his *Institutions*, vnto *Constantine* the Emperor. *Iustinus Martyr*, his treatise *of the truth of Christian Religion*, to *Marcus Pompeius*. *Saint Augustine*, some of his bookes *ad Laurentium*, some *ad Marcellinum*, some *ad Consentium*, some *ad Bonifacium*: some particularlie directed to one man, & some vnto another. Yea *S. Luke* himselte, though hee wrote (as did also the other Euangelists) *by speciall inspiration*: yet hee entitleth the *Actes of the Apostles*, *vnto one Theophilus*, *some speciall familiar friend of his*, or a man of speciall note for his faith & religion in the church, as most learned men haue obserued on that place. That he must needs be a man of great ignorance, and small reading, who wil iudge it to be the new-fanglenes or vaine glorie of this age, for men to consecrate their labours, and dedicate their studies, to the honour and seruice of their superiors.

And as this custome is very ancient, so is it also exceeding profitable. For first, the sacred memorie of worthie men, is by the continuance of the bookes that are dedicated vnto them, preserved from forgetfulness, and challenged from the ruine of time. Which time, if it growe to bee

a Sophocles;
Ajax.

μακρὸς καὶ αἰνεῖσθαι μνησθεῖς. Olde and long continued, *ὅτι καὶ ἀθάνατος, καὶ φανήσεται κρῖναι*: (as he saith in *Sophocles*,) it will

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as well ouerwhelme with darkenes, things which are now lightsome and glorious, as it will reueale and bring to light, things that yet lie hidden and vnknowne. The greatest men, for want of memorials haue in continuance of time, been buried in obliuion. Secondly, this cannot but cheare vp and encourage men of vertue and of godlines, to perseuer and to grow olde in goodnes, when they see that their persons are regarded of men that now liue, and their names are like (by the bookes which are now dedicated vnto them,) to bee registred, and recorded to the generations to come. For, although vertue be a thing worthie to bee affected, and laboured after of and for it selfe, because it is one of the greatest good things that fall into the nature of man: and there is not any substance which we possesse, *neque enim quicquam est, quod sit perpetuum, nisi virtus.* *Either more honorable, or more durable then vertue:* Yet such is the corruption and wretchednes of our nature, that we are hardlie induced thereto, or vpholden therein, without casting some eye, towards carnall respects, and seeking therein some outward benefite.

o August. de lib. arbit. lib. 2. Cap. 18.
p Ilocrates parainesis. ad Demonicum.

— *Quis enim virtutem amplectitur ipsam, premia sitollas?*

q Iuuenal. lib. 4 Satyr. 10.
r Cicero Rhetor. lib. 3.

The orator said well, *Neque solum laudis causa rectum sequi conuenit,* No man should (& wise men will not) follow right and goodnes onely for praise and commendation. *Sed si laus consequitur, duplicatur recti appetendi voluntas.* But yet, if

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i Hesiod. in
Theogonia.

e Eutripides tra-
ged. Hecuba.

u 3. Ezra. 4. 14.

commendation and honor doe followe of well
dooing, the desite and appetite of goodnes is dou-
bled and increased. Thirdly, by the learning and
authoritie of those to whome bookes are dedica-
ted, the bookes themselues are protected from the
causelesse censures of the ignorant, and the biting
teeth of the Carper. *Hesiod* sayned that *Ἄδης* *Momus*
was begotten, or brought forth of the night, for
that, (as I suppose) he walketh in darknes, & stin-
geth in silence as a serpent in the grasse. Now, as
the brightnes of the sunne dispelleth the darkenes
of the night: so the honor, yea the very name of a
mightie man restraineth the malice of the Car-
per. *Maiestas vindex veritatis*: Authoritie wil
support that trueth, which otherwise by the ma-
lice of men would be troden vnder fecte. *Hecuba*
tolde *Ulysses*, that his worthines and estimation
(*ἡ δόξα*) was such, and so great, that he was able to
perswade whatsoeuer he would: yea *ἡ δόξα καὶ ἐλάττω*,
though he spake the things that were euil and vn-
iust. How much more then shall the patronage, of
a great and honorable man, giue countenance, and
credit, and safe conduct to a treatise, the matter
whereof is sound, and the publishing whereof is
profitable.

These and some other respects haue caused me
to resolute, to commend this my poore labour, and
endeuour vnto the defense and protection of some
worthie personage: yea though I knew right
well, that *u* *The trueth is great and preuaileth*
of

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of it selfe, and God the author of truth is all sufficientlie able to defend it. And among all others, to present it to your *Grace* and fauor, for these reasons and causes following.

First, the question of *vsurie*, being controuerted in these dayes among manie (and those verie learned) diuines: requireth and needeth an arbiter of much reading, experience, and moderation.

Oecolampadius said, *x De vsuris indicare non est omnium*: Every man is not a fite iudge in this

x Oecolampadius. Epist. 16. lib. 1.

cause of *vsurie*. And y if no man chuseth a young man for a iudge, or a guide: *Quia non constat eos*

y Aristot. Topic. lib. 2.

esse prudentes, because there is not sufficient evidence of their wisdom: then should I haue shewed my selfe a very young man, if I had chosen any that is yong, either in yeares, or learning, or experience, to be a determinor of this controuersie, or a protector of this cause.

Secondly, your *Grace* is reported to bee one, who neither lendeth, nor taketh vpon *vsurie*, which is not in this age euery such mans commendation. And therefore being free from the guiltines of this sinne, you may the more freelie giue sentence vpon the vngodlines thereof. *z Iudicet ille de alterius errore* (saith *S. Ambrose*) *qui non habet in seipso quod condemnet: Iudicet, qui non agit eadem que in alio putauerit puniendam.*

z Ambrosius. super Beati immaculati. & habetur 3. quaest. 7. Iudicet.

Let him iudge of an other mans default, who hath not the same fault to condemne in himselfe: Let him iudge of another, who committeth not the same

same

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same things which hee deemeth worthie the punishing in another.

Thirdly, your place and calling hath given you a speciall stroke in the maintenance of the lawes of the Church of *England*: by which lawes, and which Church, *usurie* is simply and generally prohibited. And therefore you the fittest man to patronizethose, whose writings doe condemne it.

a Polyanth.
tit. Lxx.

^a *ἡ δύναμις τοῦ νόμου ἐστὶν ὡς ἀπὸ τοῦ θεοῦ* saith *Menander*. The *Magistrate* is the strength of the lawe: And then shall the Canons of the Church concerning *usurie* bee reuerenced and regarded, when by those that are *Church gouernors* they bee vrged and maintained.

If it shall please your *Grace* to take a view of this treatise, you shall find these two things obserued throughout the whole course of the same. The one, that in this question of *usurie*, I haue not declined (as touching the generall conclusion) frō the receiued iudgement of the auncient Diuines: nor deliuered any thing cōtrary to the Canons of our Church. Secondly, that I haue not entred into anie by-controuerfies not pertinent to this purpose. For I deemed it the part of a scholler, to hold him to his taske, (as the Prouerbe is,) and to pursue without vnnesseffarie digressions, the purpose that hee hath in hand. What labour I haue taken, and what authors I haue turned ouer in studying of this argument my selfe only know, and it were in vaine to brag or to boast of them, especially to
your

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your Grace. What I haue attained vnto herein by my labour and reading, I leaue vnto your graue and reuerend censure. If it please you to accept this mine endeouour, I haue my full desire: If to protect it, the benefite which the Church reapeth thereby (if happily it proue anie) shall be ascribed to your gracious fauour. The almightie God continue and increase vpon you the riches of his grace, to the glorie of his name, to the benefite of his Church, and the publique wealth of this realme, through Iesus Christ our Lord. *Bury S. Edmunds this first of Ianuarie. 1595.*

*Your Graces most humble, alwaies at
commandement in the Lord.*

MILES MOSSE.

B

Dedicatory

your Grace. What I have aimed at in this by
my labour and reading I leave unto your Grace
and reverend censure. It is plain and to the
point, and I have my self assured: It is
proposed in the Preface which the Church respects
thereby (if happily it prove such) shall be ascribed
to your gracious favour. The Almighty God con-
firms and increases you the richest of his grace
to the glory of his name, to the benefit of his
Church, and the public wealth of his realm,
through Jesus Christ our Lord. Amos. Edwards
this first of January. 1727.

Your Grace most humble servant as
ever in the Lord.

Miles Mosser

B



To the Christian Reader.



*T*is a sound position both of ^a the elder, and the ^b latter Diuines, against the Stoicke Philosophers, and Iouinian heretikes; Peccata non esse paria: that all sinnes are not equall but that there are some greater, some smaller, some lighter, some heavier offences. For, as all sinnes are not of the same na-

^a August contra mendaciū ad Cōsent. cap. 15 Hieron. contra Iouin. lib 2.
^b Tho. Aquin. 12^a. quaest. 73. art. 2.
Bulling. Decad. 3. ser. 10.

ture: so all men sinne not in the same measure and degree. Among other degrees, and diuersitie of offences, some sinne of ignorance and know it not: and that is naturall weakenes. Others know that they sinne, and excuse it: and that is little better then presumption. Others cannot excuse their sinne, but rage and storme against those that reprove it: and that differeth not much from malice. Dauid sinned often, and knew it not, therefore he desireth to be ^c cleansed from his secret faults. Adam saw his sinne and excused it: ^d The woman gaue me, and I did eate. ^e Ieroboam could not excuse his sinne, and yet he stretched out his hand to offer violence, to the Prophet that reprobued his Idolatrie.

^c Psal. 19. 12.
^d Gen. 3. 12.
^e 1. King. 13. 4.

Now all these degrees, and differences of sinne, are in no one more pregnant or euident, then in this euill of Vsurie. For, some commit vsurie, not knowing it to be sinne: either because they haue not the word, or they vse not the word for the enlightning of their hearts. Those that be ignorant for

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f August. ad
Sextum Rom.
presbyt. epist.
105.

g Lactant. de
Origine erro-
ris lib. 2. cap. 7.

h Exod. 23. 2.

i Cyprian. de
Simplicitate
prælatorum.

k Lactant. de
Opificio Dei.
cap. 3.

want of the word, are without question much to be pitied: and yet is their want that way, the iust punishment of sinne. Those that are ignorant for not using the word, are sharplie to be reprov'd as those whose ignorance acrewing from their owne negligence, is meere sinne unto them. ¶ In vniuersaque non est iusta excusatio, sed iusta condemnatio, sayth Augustine: Neither of both can iustly be excused: nay, either of both is iustly to bee condemned. Others commit vsurie, and stand to excuse it: alleading for themselves, either the authoritie of men, which is little, or the example of others, which is lesse. Or againe, either endeuouring to proue the thing good which is fearfull, or pretending that they cannot otherwise liue, which is miserable. To them that object other mens authoritie, I answer, as Lactantius did to the Gentiles, who grounded their religion upon the authoritie of their ancestors: & Id solum rectum est, quod ratio præscribit: Not that which men say, but that which reason warranteth, is right and to be approv'd. To them that alleadge examples, I answer with the ancient proverbe, Viuitur præceptis non exemplis: We must liue by precepts, and not by examples. And with that of Moses in Exodus, h Thou shalt not fol- lowe a multitude to doe euill. To them which iustifie vsu- ric to be lawfull, i stand not here to make answer: for to that end serueth the treatise following. Only, I applie vnto them, that which Cypriā spake of some teachers of his time, i Am- bulantes in tenebris, habere se lucem existimant: Walk- ing in darknes, they suppose they haue the light. Asserentes noctem pro die, interitum pro salute: They hold the night for day, and destruction for saluation. Vt dum verisimilia mentiuntur, veritatem subtilitate frustrentur: That while they fine and deuise an opinion, somewhat like to bee true, they may aduillate the trueth it selfe by their subtilties. To them that pretend, they cannot otherwise liue, I replie, that either they must accuse nature for an vniust stepmother, (which one of the Fathers k counted a poynt of great follie:) or they must accuse their parents for want of frugall educa- tion,

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tion, which were vnderifalnes in a child: Or rather them-
 selues of sloth and idlenes, (which indeede is the vsurers sin:)
 Or lastly, they must say as those that excuse themselves by
 destinie, ¹ Fatum meum n. e. dixit: It was my destinie, I was 1 August in
 borne, or I was ordained to liue by vsurie. Others, yet there Psal. 91.
 are, who knowing the practise to be euill, and themselves not
 being able to excuse it, they turne their nose vpon the very
 winde, like the weathercocke and like mad men rage at those
 that would binde them for their benefite: and are like the
 swine, of which Christ speaketh in the Gospell, ^m who when m Matth. 7. 6.
 they haue pearles throwne before them, turne againe, and all
 to rent those that cast them.

This third kind of Vsurers, as they are the worst in nature,
 and in the highest degree of sinne: so are they those of whom
 I haue most cause to complaine. There is no Vsurer about
 vs (that I knowe) so simple and ignorant, but he can relate
 what is sayd against vsurie in the word. And on the other
 side, there is none so well learned about vs, (I dare auouch)
 that is able to iustifie and defend it by the word. And yet
 haue they so raged and stormed at me since the preaching of
 these sermons: that I had almost waxed proude with conceit
 that I had spoken much against them. For, as it is the nature
 of the greater and stronger beasts, to despise the barking
 whelp, and then only to turne againe when they feele them-
 selues bitten and touched indeede: so I began to conceiue of
 these Vsurers, that because now they stormed, therefore they
 were stung: and because they fretted earnestly, therefore they
 were touched thoroughly. If that be true which is reported,
 (for I haue not vouchsafed to sift and examine the cause)
 some haue vnder the aswere of my booke, before it com-
 meth forth: some are sayd to haue many a reason already
 deuised against it in their braine: some haue threatned that
 I shall neuer borrowe: some haue slandered mee behinde my
 backe: some haue spoken foule things to my face: yea, I haue
 been bitten and backbitten, as one sayd of me publike of
 late, in mine owne pulpit. The best and most temperate men M. K.

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of that trade, though before they seemed desirous to heare
the cause debated: yet since that time they haue dealt with
me, as Laban dealt with Iacob, when he sawe how God had
n Genes. 31. 2. blessed him: ⁿ their countenance hath not been towards me,
Sicut heri & nudiustertius. So dangerous a thing was it to
charme a serpent, and to rouse the slumbring lion: and so
o Hierom. contra Iouin. lib 2. truly was it sayd of Hierome, ° Amara est veritas, & qui
earn prædicant replentur amaritudine: The trueth is bitter
and vsauerie vnto the corrupt tastes of men: and they
that preach it, are filled with bitternes. Veritas odium pa-
rit.

Yea, whereas I thanke God, I may say without boasting,
as did the Propbet, p I haue neither lent nor taken vpon
vsurie: (for I haue followed my calling, and not busied my self
much with the affayres of the world, which Tremellius
rightly noteth to bee the sense of that place) yet haue there
not wanted some, that haue charged me with both, and haue
vnder that name censured me as one most unfit to deale in
this argument: because (as they say) I haue lent and taken
vpon vsurie. Now, God bee mercifull vnto me in mine other
offences: but had he no more in other, then they in this sinne
to say against me: I might lift mine head full high, & car-
rie mine heart full merrie. The ioyning of issue with them in
this poynt, I deferre, till they put in a further declaration. All
that I will say for the present is this. If I were guiltie of ta-
king vsurie, I protest I would not iustifie it: If I were guiltie
of giuing vsurie, I would sweare, and vow it was against my
will. But, say I were guiltie of the former, and had lent vpon
q Act. 17. 30. vsurie when my iudgement was lesse, q The time of this ig-
norance God regarded not: And what I haue been in
times passed, maketh nothing to them. Say I were guiltie of
the latter, and had taken vpon vsurie, when my necessitie was
greater: they know the case is ouerruled by the Philosopher,
r Aristot. Ethic. lib. 5 cap. 11. ^r Qui iniuriam patitur non peccat: He that suffereth the
f Tho Aquin. 22^x. quæst. wrong, offendeth not. And the great Schooleman hath de-
78. art. 4. termined in this poynt, ^f Vti peccato alterius ad bonum,
licitum

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licitum est: It is a lawfull thing to use another mans sinne, to good end and purpose. But the summe of that paynt is this: If I haue done both, or either of both, that helpeth not their cause: If I haue not done both, nor neither of both, the greater is their sinne.

Two things I require of the good Christian reader. The one: that thou stumble not at the title of this treatise. So many hauing written of this argument, it was not the easiest thing to finde a name whereby to distinguish it from other mens labours. All that I haue aimed at therein is, that no men might be rei notamen, (as S. Augustine speaketh) that is, that the title of the booke might deliuer the substance and matter therein contained. Other quilitie or new denise I haue affected none.

t August. de
Genesi ad lite-
ram cap. 6.
tom. 3.

The other is this: that thou hold it not strange to see, that after *The Death of Vsurie*, published the last yeare by one man, thou hast now the yeare following his Arraignment and Conuiction by another. For first, many times it falleth out, that malefactors are executed before their examination, Arraignment and Conuiction bee published to the world. Secondly, The death of *Vsurie* came foorth from Cambridge, where I hope no lesse but it is dead indeede. Schollers haue not so great store of money that they can, nor so little store of learning that they will be practisers of *Vsurie*.

— Ingenuas didicisse fideliter artes
Emollit mores.

But this Arraignment and Conuiction of *Vsurie*, cometh forth from London: where though it hath in former time been pleaded against by D. Wilson, concluded against by M. Cæsar, and now of later times reprobued by M. Turnbull, and examined by M. Smith: yet is it not hetherto thorowly conuicted in the consciences of the people, much lesse put to death and executed as it should. Thirdly, wee see that Iudges of life and death, doe not all hold their Sessions or Affises at one and the same time. But when some haue executed

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cutted fellows in one shire: some begin their arraignment in another. And therefore what shall let me to follow their example, and after the Assises ended, and vlturie executed at Cambridge, to proceede onto The Arraignment and Conuiction thereof, in the citie of London.

u P10.29.11.

This I speake not, as if I could speake nothing els in this case, but as sparing and pitying the Author of that treatise, who hath ploughed with my heifer, and whose booke hath been published vnder my name, to my great preiudice and discredit. But I remember what Salomon sayth: u A foole powreth out all his minde: but a wiseman keepeth it till afterward. All therefore that I will adde is this, If this booke benefite thee, thanke God that gaue the meanes. If it offend thee, yet know that I ment well, and aimed

at thy good, and haue written without gall vnto any mans person. And so I bid thee farewell in Christ. This 6. of

Februarie 1594.

Thine in the Lord,
Miles Mosse.

The names of the special Authors
 vsed in this treatise : besides the
 bookes of the holic and Canonickall
 Scriptures.

A.	Ioh. Bromyard.
Æ Lianus.	Bucerus.
Alciatus.	Bullingerus.
Alexander de Alès.	
Alexand. ab Alexand.	Cælius Secundus.
Alphonſus.	Caietanus.
Ambroſius.	Caluinus.
Anthoninus.	Canones Apost.
Appianus.	Canones London.
Aquileius.	Centuriz.
T. Aquinas.	Chemnitius.
Archidiaconus.	Chryſoſtomus.
Aretius.	Chytreus.
Aristophanes.	Cicero.
Aristoteles.	Clemens Alexandrinus.
Arnobius.	Codex.
Augustinus.	Concilium Agathenſe.
B.	Concilium Arelatenſe.
Babington.	Conciliū Carthaginēſe.
Baldus.	Conciliū Elebertinum.
Balsamon.	Concilium Lateranēſe.
Barnardus.	Concilium Lugdunēſe.
Barthol. Capol.	Concilium Nicenum.
Baſilius.	M. Cope.
Baſtinguius.	Cyprianus.
Bertrandus.	
Beza.	D.
G. Biel.	Damaſcenus.
Bodinus.	Danzus.
Boemus Aubanus.	Didacus Couar.
Brentius.	Digeſta.

Erasmus

E.
 Erasmus Roterod.
H. Eobanus.
 Euripides.
F.
P. Fagius.
B. Fumus.
G.
 Galatinus.
 Galenus.
 Glauile.
 Goffredus.
 Gratianus.
 Gregorius Nazianzenus.
 Gregorius Nissenus.
 Gregorius Theologus.
 Gualtherus.
H.
 Hemingius.
 Herbrandus.
 Hesiodus.
 Hieronimus.
 Homerus.
 Hostiensis.
 Hugo Cardinalis.
L. Humfredus.
I.
B. Iuel.
 Iosephus.
 Isocrates.
 Iuuenalis.
 Iustinianus.
 Iustinus Martyr.
K.
Io. Knewstub.
L.
 Laetantius.

Io. Langius.
 Lauaterus.
 Leo.
 Lipsius.
 Ludolphus.
 Lutherus.
 Lycosthenes.
 Lyra.
M.
 Marloratus.
 Martinus ab Azpilc.
P. Martyr.
 Mattheus Parisiensis.
 Melacthon.
 Menander.
 Mercerus.
 Molanus.
 Molineus.
 Monumenta patrum.
 Musculus.
N.
 Natalis Comes.
Io. Northbrooke.
O.
 Oecolampadius.
 Origines.
P.
 Pagninus.
 Panormitanus.
 Pellicanus.
F. Petrarcha.
 Petrus de Anchorano.
 Philo.
 Plato.
 Plautus.
 Plinius.
 Plutarchus.

Polyanthea.	
Pomeranus.	
Postilla maior.	
R.	
Rainerus.	
Raimundus.	
Ruffinus.	
S.	
Sarcerius.	
Scotus.	
Selneccerus.	
R. Selomo.	
Sextus decretalium.	
Sophocles.	
Sozomenus.	
Statuta Regni Angliæ.	
Ph. Stubbs.	
Suetonius.	
Suidas.	
Sūma Angel. de Clauas.	
Suruey of pretēded discipline.	
Synodus Hildesheimē- sis.	
	T.
	C. Tacitus.
	Theophilactus.
	Tremellius.
	V.
	Vatablus.
	Viguerius.
	Virgilius.
	Vrsinus.
	W.
	B. Westhemerus.
	Wigandus.
	D. Wilson.
	Wittebergenses theses.
	Wolfius.
	X.
	Xistus Betulcius.
	Z.
	Zanchius.
	Zegedinus.
	Zuingerus.
	Zuinglius.

TO THE READER.

I Desire thee good reader not to ascribe this my recitall of authors to pride or affectation of vaine glorie. I am occasioned thereunto by one, who taking the names of my mouth, and not understanding them, hath published them in print farre otherwise then they were deliuered by me, or they are in themselves. Farewell.



In this treatise, are handled these
four principall poyntes.

1. *Vsurie is described, what it is, and what are the kindes and branches thereof. Pag. 10.*
2. *It is proued to be manifestlie forbidden by the worde of God: and sundrie reasons are alledged, why it is iustlie and worthily condemned. Pag. 75.*
3. *The obiections are answered, which are vsuallie made out of the Scriptures, for the defense of some kinde of vsurie, and towards some kinde of persons. Pag. 112.*
4. *Dinerse causes are shewed why vsurie shoulde not bee practised of a christian (especiallie not of an English man) no not though it could be proued, that it is not simplie forbidden in the Scriptures. Pag. 145.*





The Arraignment and Conuic- tion of Usurie.

THE TEXT.

Prouerb. 28. 8.

*He that increaseth his riches by vsurie and interest, ga-
thereth them for him that will be mercifull to the poore.*

The first Sermon: the speciall contents

whereof are these:

- 1 The interpreting and unfolding of the text.
- 2 The necessitie and occasion of handling this argument.
- 3 The name derivation, kinds and branches of Usurie.
- 4 The definition of open and actuall Usurie.



Here bee two things very re-
quisite to a preacher of the
word: the one that the Scrip-
ture which hee handleth be
soundly interpreted: the other
that the doctrine which he de-
liuereth from it, be directly and
necessarily collected. The neg-
lect of the former is the occasi-
on of errors, and to want the latter is to build without
foundation. And therefore before I proceede to the
handling of the matter and argument contained in
this

Vsurie and

interest differ.

this scripture, some things are of necessitie to be obserued concerning the sense and interpretation of the words.

First this is not so fitly translated, by vsurie and interest: for neither is vsurie and interest all one (as afterwards shall appeare) neither is interest condemned by the word of God. And besides that, this reading, by vsurie and interest, agreeth not either with the originall, or with any of the interpreters. For the Hebrew hath *Beneshech vetarbith*: and the Greeke hath *μετὰ τόκων καὶ πλεονασμῶν*: Tremellius, Pagnine, and other of the Latines translate it *Vsura & fœnore*. Now neither *Tarbith* in the Hebrew, nor *πλεονασμός* in the Greeke, nor *Fœnus* in the Latine, can properly be interpreted, Interest in the English: But rather *Superabundantia*, or *Incrementū*, or *Augmētum*, that is, Superabundance, or Increase, as Vatablus hath well obserued on this place. And yet is this defect fauourable to be censured, yea easily to be pardoned in our English translators: partly in regard of the want of our English tongue, whose penurie affordeth not alwayes two seuerall words to expresse one and the same thing: partly because the olde translation readeth it, *Vsura & fœnore liberali*. Now *Fœnus liberale*, is often giuen (at the least it may be giuen) in consideration of Interest: and partly also because the vse and custome of speaking hath confounded the sense of these two words in our vsuall language. We say commonly, he taketh vpon Interest, he payeth Interest, he lendeth vpon Interest: when our meaning and intendment is to say, he taketh vpon vsurie, he payeth vsurie, he lendeth for vsurie. And therefore the words being confounded in our common vse of speech, no meruaile though they be coupled and vniued together of the interpreters in this place.

Secondly, as touching the meaning of this Scripture

cure

How the Vsurer

gathereth for the poore.

cure, we are to knowe that when Salomon saith here, the vsurer gathereth his riches *for him that will bee mercifull to the poore*, this is not spoken according to the minde and intendment of the vsurer, as if this were his desire or purpose in gathering of his wealth, that hee might haue whereof to be liberall and to giue almes vnto the needie. For first, the couetous man dooth nothing well, but when he dyeth, saith the auncient proverbe. Secondly, vsurie is a sinne which shutteth by compassion, as after shall appeare. And thirdly, where shall you finde men lesse pittifull then are vsurers to the poore? But this is spoken of Salomon in respect of the prouidence of God, which oftentimes turneth good vse of riches euill gotten: and so disposeth of the issue of things, as that the wealth which the owner hoardeth vp by euill meanes (namelie by vsurie) hee draweth forth to good purpose, namely to the benefite of the poore.

But now, how and by what meanes God conuerteth the vsurers wealth to the relieuing of the needie, that is the doubt and question which ariseth to bee resolved in this place. One of the Rabbins referreth it, *ad magistratum & fiscum*, to the confiscation of the vsurers goods vnto the Magistrate: for thereunto wee see that the riches and wealth of great men are many times deuolued. God often suffereth men which by euill meanes haue gathered their riches, to fall into the danger of politike penall lawes and so to forfeite their goods to the crowne: whereof it cometh (or it may come) to passe, that of those goods so gathered and so forfeited by iniquitie, the poore may be relieved, high waies may bee repaired, publique charges may bee defrayed, the burden of the Church and of the common weale may be eased to the people. And so, *He that increaseth his riches by vsurie and interest, gathereth them for*

a Rab. Sel. 2x
Tanhuma, re-
ferente Merce-
ro, in Pro. 28 8.

How the Vsurer

gathereth for the poore.

b F. Vatablus
annot. in Pro.
28.8.

c L. Lauater
comment. in
Pro. 28.8.

d Ezech. 18. 14
17.

e Con. Pellican.
comment. in
Prov. 28.8.

him that will be mercifull to the poore. b Others referre this vnto the gouernement and sentence of the Magistrate: as if Salomon would speake to this effect and purpose. An vsurer shall by his riches euill gathered together, thus helpe and relieue the poore. The good and godlie magistrate seeing him by so euill and vngodlie meanes rake wealth together into his hands, will enact such lawes, and take such order as shall defeat him of his wealth, and will more profitable, and more righteously imploie it: namely (among other particulars) to the relieuing of the poore. c Others referre this speech vnto the vsurers heire, or to him to whom the vsurer leaueth and bequeath his goods. Hee shall leaue them to a liberall man that will bee mercifull vnto the poore. Now though I condemne not this sence, yet I doe not so much approue it, partly because an vsurer will hardly be induced to bequeath his goods to him who hee feareth will mercifullie and liberallie imploie them: and partly because that though the father that putteth to vsurie may sometimes have a kinde and a mercifull sonne as appeareth by the d Prophet: yet to beholde this is almost as rare a thing as it is to see a blacke Swan floating on the waters. f or commonly such egge such chikkin, such sper such childe: the father an vsurer, the sonne vnmmercifull. And therefore I rather follow those e who not descending into any particular meanes (because they are infinite in the hand of God) doe generally applie this sentence vnto his holyprouidence. As if hee had saide: God hating the vsurer and condemning his course, doth one way or other defeat him and his of their hope and expectation, and the goods which he gathereth by oppressing of the poore, those hee conueyeth to another which of a mercifull minde will be liberall to the poore. So that this sentence of Salomon is almost all one with that which

Conuiction of Vsurie.

5

How the Vsurer

gathereth for the poore.

which else where he hath in this booke of the Prouerbs.

^f *The riches of the sinner is laide vp for the iust.* And with ^f *Prou. 13:22.*

that which Zophar speaketh in the booke of Iob: ^g *Hec* ^g *Iob. 20. 15.*

hath deuoured substance, and he shall vomite it: for God shall drawe it out of his bellie.

And with that which Luther

speaketh in his treatise of Vsurie: ^h *Nec unquam opes v-* ^h *M. Luther.*

suris parta, sunt durabiles & perpetua, Riches gotten by v- ^{lib. de taxanda}

surie are neuer permanent or durable. For one way of ^v *usura tom. 7.*

other, sooner or later, the Lorde by his prouidence will

defeate the vsurer of them: and conuey them into the

hands of those, which of charitie will imploy them to

the benefite of the poore. That whereas the vsurer

careth not who wareth poore so he may grow rich, nay

taketh the way to deuoure the poore, nay is the meanes

to make the rich poore: hee himselfe and his substance

shall (farre beyond his meaning and expectation) bee

made a meanes to ease, and helpe, and relieue the poore.

As here Salomon saith: *He that increaseth, &c.*

So that the drift of the holy Ghost in this Scrip-

ture is to dissuade from the practising of vsurie: and

that he doth by an argument drawne from the misera-

ble effect which shall betide such riches so gathered in

the ende. Namely, that whereas men gather riches

with a purpose and desire that they may abide to them-

selves, and to their posteritie: yea and whereas, com-

monly and ordinarilie men by the wealth, that they

lawfullie procure, doe mainetaine themselves, relieue

others, and prouide for their children in time to come:

it shall by the hand of GOD fall out farre otherwise

with the vsurer, his wealth shall bee taken from him,

yea it may be from all that are his, and cast as it were

into the lappe of one that will be mercifull to the poore.

This scripture therefore giueth (as we see) direct

occasion to intreate of vsurie: then which there are not

many arguments more necessarie or profitable to be

Vsurie common,

Vsurie defended,

i M. Bucer cō-
ment in Psal.
15.

k Gratian de-
cret. part 2.
caus. 14. quæst. 3

l Master Smith
Serm. 1. Upon
Vsurie fol. 12.

m Lauat. com-
ment in Ezec.
2. Homil. 5.

n Luther de
tax & sur. tom. 7

handled in these dayes. For first, lending vpon vsurie is growne so common and vsuall among men, as that free lending to the needie is vtterly ouerthrowne.

i *Eo res abiit* (saith Bucer) *ut impudens habeatur qui mutuū petat citra fœnoris oblationem*: The world is growne to that passe, that he is counted a shameles man which maketh request to borrow without offering of vsurie. Secondly, men are growne so cunning and expert to doe euil, that because they know vsurie is forbidden by the lawes both of God and men, k *Nolunt facere contra legem, sed faciunt fraudem legi* (saith Gratian:) They will not breake the law for feare of danger: but they will deceiue the law without feare of God. And to defeate the lawe, to bleare the eyes of the world, and to auoyde

danger l they haue deuised more sorts of vsurie then there are trickes at cardes, as one sayth well writing of this argument. Thirdly, men are not only growne to this passe, that they colour and cloake this sinne with a pretence of righteousness: but some haue so farre forgotten themselves, as that they runne on openly to defend it. m *Nostro tempore* (saith Lauater) *non desunt homines à quibus ebrietas, scortatio, usura, & alia scelera impudentissime defenduntur*: Our age wanteth not men of whom drunkennes, whoredome, vsurie, & other heinous crimes are most impudently defended. Defended: nay:

n *Prædicatur plenis buccis summam esse virtutem, & opus præclarum* (saith Luther:) Vsurie is commended with full mouth to be an excellent vertue, a notable worke: a most reasonable gaine: a trade without which no common weale can stand or indure. So deeply haue some men surfetted with feeding vpon the popsoned gaine of vsurie. Now when as men are growne to this height and excesse of iniquitie, that they will not lend but vpon vsurie, they will couer and cloake it with pretence of iust dealing, they will defend it, nay they will com-

mend

Conuiction of Vsurie.

7

Why this argument

is now handled.

mend it to the world: high time it is that the Lords men of warre take into their hands *the sword of the spirit which is the word of God*, if not to cut the throte of this euill (for that seemeth to some to be impossible) yet to hacke it and maime it in the members, and to make it hang the head: least it be a reproach vnto vs in the generations to come, that so grosse and palpable a sin hath passed vncontrolled. o Ephes. 6. 17.

If any man demaund a reason why after so many that haue laboured in this argument, and among so many brethren in this countrey more able to deale in such a cause then my selfe: I the most vntworthie and insufficient of a great number haue presumed to set foote into this floze, and to wage battaile with so many and so mightie aduersaries: him I doe desire with patience and charitie to heare this Apologie in mine owne behalfe. First, I haue been challenged more then once for the doctrine which sometimes in preaching I haue been supposed to deliuer concerning vsurie. As that I haue called it Theft and Robberie: which notwithstanding I haue not done: but sometimes haue shewed that it is forbidden vnder this commandemēt *Thou shalt not steale*: sometimes I haue alleadged the iudgement of a B. Iewel, who not only calleth it Theft, but maketh it worse then Theft by many degrees. And had I plainly called it Theft, I might haue had the authority of Ambrose, of Augustine, of Hierome, of Bernhard, of diuers godly and learned writers to haue supported the trueth of that accusation. Secondly, I haue been challenged, that sometimes in preaching I haue coupled and recited vsurie with the most grievous offences: as namely with Adulterie, Drunkennes, Perurie, Oppression, Extortion, and such like. Now this I haue done I confesse: but I haue not done it of priuate malice to any Vsurers person, nor without the present

p Exod. 20. 15.
q Io. Iuel Ser.
in 1. Theff. 4. 6.

sident

Vsurers coupled with

Adulterers, theeves, &c.

*r Tulli. de offic.
lib. 1.*

*l D Wilson
fol. 147.*

*r August. de
baptis contra
Donatist. lib. 4
cap. 2.*

*u W. Musculus
com. in Ioh. 4.
12.*

*x Lauater in
Ezech. 2. hom. 5*

y 2. Tim. 3. 16.

z 2. Pet. 2. 20.

ident and example of many notable men both holie and prophane. *r* Tullie reckoneth Vsurers with Toll-takers and Customers, a kinde of men in those dayes of most base accompt and filthie conuersation, as may be gathered euen out of the holie scriptures. *r* Aristotle sayth, that Vsurers and Bawdes may well goe together: for they gaine by filthie meanes all that they get. *r* Saint Augustine coupleth them with Coactous men and Theeves. *u* Musculus ioyneeth Vsurie with Deceit and Periurie: *x* Lauater reciteth it with Drunkennes and Adulterie. So common a thing hath it alwayes been among learned men to setter Vsurers with the vilest offenders, as those that deserued most shamefull disgrace. Thirdly, I haue been challenged, that in preaching against Vsurie, I haue alleadged noz could alleadge nothing against it but the 15 Psalme. A challenge most false and vnttrue. For in Catechising I haue stood vpon Exod. 22. Leuit. 25. Deut. 23. and some other places to that purpose. And if I could alleadge no more then the 15. Psalme, yet were that alone sufficient to stoppe the mouthes of all the Vsurers in the world: seeing that *y* The whole scripture is giuen by inspiration of God, and *z* no prophecie in the scripture is of any priuate motion. But now, what I am able to alleadge more against vsurie then the 15. Psalme, shall by Gods grace appeare in this treatise following. Last of all, besides that I haue been thus sundrie waies challenged (and so iustly prouoked) to deale more largely and thoroughly in the matter: this also is to be added as not the least spurre to pricke me forward thereunto: namely, that I haue been called forth and required to this busines, not onely of many of the common sort of men (which notwithstanding were not to be neglected) but also most of the Brethren about me, and some euen of the best gifts and account, haue exhorted me to begin,

Doctors, &c. why

allcadged in this treatise.

begin, and encouraged me to continue this argument and treatise of vsurie.

Three things I would require of this Auditozie, during the time of this treatise and the handling of this controuersie. First, that you expect not from me much seruencie of spirit or vehemencie of speech. For I doe willingly abstaine from all apparance of heate or choller conceiued against any particular man practising this trade of vsurie. And besides that, seruencie and vehemencie of speech doe belong moze naturallie to admonition, reprehension, and exhortation: whereas I must now bee wholly taken vp in doctrine, and reasons, and allegations. Secondly, my petition is, that I may without offence make recitall of Doctors, of Councels, of Ciuilians, of Canonists, in a word, of wryters of all sorts, of all times, of all religions. A thing which I am not wont (you knowe) much to affect in my vsuall ministerie: yet must I now of necessitie vse some libertie in that vaine, not onely because the matter is disputable betwene the greatest men of learning on both opinions: but also because the question is greater concerning both the scriptures alleadged, and the reasons vled in this case, then I may presume to define or determine by mine owne authoritie. You shall therefore rather heare what their iudgements and arguments are whose opinion I fauour: then what my selfe can say, or might say, or dare say, in so difficult a question. Thirdly, my desire is, that you which are now present, and haue begun with patience to attend vpon this busines, will vouchsafe also your presence at other times when this argument shal be handled, and continue hearers euē vnto the end. For wise men know that all cannot be deliuered at once: especially in so large a field, wherein so many haue runne their race at length with much

Vsurie is properly

the vse of a thing.

varietie of stile and plentie of inuention. And besides, that which is wanting in one sermon may be supplied in another : that which is spoken more darkly and slenderly at one time, may be vnsoulded more clærely and prosecuted more fully at another. Therefore vntill you haue heard all, I desire that you suspend your iudgement concerning all : yea and when in the end any slippe shall appeare, ascribe it not to wilfulnes, but to ignorance, not to malice, but to ouersight. For I say as he of old :

Errare possum, Hæreticus esse nolo.

The first principall poynt, declaring what the word vsurie signifieth : how many waies it is taken : what it importeth in this argument : how many kindes and branches there are thereof. Lastly, vsurie is described, and the parts of the description are examined and vnsoulded.

THe name of vsurie is among diuers writers vsed in diuers significations. Naturally and properly, and as one sayth : *a Prima sui significatione*, In the originall signification, It importeth the vse or occuppying, or imploying of any thing. As Erasmus sayd well, *b Usura nobis ab utendo dicitur* : Vsurie is named among vs of vsing, or vseage. And Molanus sayth, *c Usura ab utendo idem est quod vsus* : Vsurie commeth of vsing and is the same that vse is, or vseage. And so it appeareth to signifie properly, not onely by the Etymologie and deriuation of the word, *Usura quasi vsus rei*, Vsurie as it were the vse of a thing : but also by the taking of it in verie approued writers. Plautus sayth, *d Alcumenam uxorem capit usurariam* : He tooke Alcumena to vse as his wife. And againe, *e Alcumena usuram corporis capi* : I had the vse of Alcumenas bodie. Every where we shal reade

a Martin. *Ab Azpiscueta enchirid. c. 17.*

num. 206.

b Erasmus *Ecclasiast siue de rat concil. lib. 2 tom. 5.*

c Io. Molanus *compēd. Theol. practica, tract. 2. cap. 26. concil. 1. sect. 1.*

d Plaut. *comœd. Amphitruo in Prol.*

e Plaut. *Amphitruo act. 5. Scena. 2.*

Conuiction of Vsurie.

II

Vsurie: the vse of a thing:

not generally vnlawful.

reade in Tullie, Quintilian, and other approued Latini-
nists, ^f *Vsura hora*, the vse of an houres space: ^g *Vsura lu-* ^f *Zuing lius lib.*
^{cis}, the vse of the light: *Vsura temporis*, the vse of the time: ^{1. epist. 22.}
Frui vsura, to enioy the vse of a thing: and many such ^g *Cicero. orat.*
phrases to like purpose. This also may appeare more ^{pro Caio Ra-}
plainly by the distinction which the Latines doe make ^{birio.}
betweene *usuarius* and *usurarius*: ^h *Vsuarius* they call ^{L. Humfred. de}
him which the Gracians name *usuarius*: The man that ^{Vita Iuel. pag.}
taketh, receiueth, or enioyeth the vse of a thing. *Vsu- ^{135.}
^{rarius} they call him which the Gracians name *usurarius*: ^h *Callopin tit.*
The man from whom the vse or occupying of a thing ^{vsura.}
is taken and receiued. So that in the native and pro-
per signification of the word, vsurie is the vse of any
thing: and an vsurer is any man from whom or by who
the vse of any thing is had and enioyed. Now this
kinde of vsurie and vsurers no man that hath his right
wits and senses, will once dare to challenge or con-
demne generally as vnlawfull. For the end and per-
fection of things is their vse: the benefite and commo-
ditie of things consisteth in their vse: yea and men doe
therefore liue and dwell together, to the ende that by
the mutual vse of the things which they seuerally en-
ioy, each one might be more commodious and benefi-
ciall to another. And therfore this being so, that speech
of Bullinger may well be receiued in this sense: ⁱ *Vsura* ⁱ *H. Bullinger.*
^{vocabulum inhonestum non est: Abusus reddidit inhone-} ^{Decad. 3. ser. 1.}
^{stum}: The name of vsurie is not dishonest of it selfe, or in
the owne nature: the abuse of vsurie or vsage is that
which hath made it dishonest, and of so bad account
among men. For vsurie is properly the vse of a thing:
which is of necessitie common to al men in the world.
No man can liue without the vse of many things, and
consequently not without this kind of vsurie.*

But now the name of vsurie is translated by a Trope
from his native signification, and is commonly taken

Naturall vsurie:

Husbandrie and tillage.

metonymicè, causa pro effecto: the cause for the effect: vsurie for the gaine or increase arising from the vse of a thing. And of vsurie taken in that sense I finde diuers sorts mentioned among learned writers.

k B. Aretius.
prob. part. 1.
loc. 50.

1 The first I may call *Fœnus naturale*, naturall vsurie. And that is a kind of vsurie k *Qua negotiantur homines cum ipsa terra matre*: In which or by which (sayth Aretius) men traffique with their common mother the earth: namely, in the trade of husbandrie and tilling of the ground.

l Cicer. lib. de
Senect.

The reason of this Metaphore is, because as the vsurer by putting forth a summe of money or goods, into the hands of the borrower, doth increase and augment it, and receiveth againe his owne with aduantage: so the husbandman casting forth his seede into the bowels of the earth, l *Terra nunquam sine usura reddit quod accepit*, It neuer returneth that which it received without vsurie, or increase. Now this kinde of naturall vsurie, which is nothing els but the tilling and husbanding of the earth vnto gaine and increase, no wiseman did euer condemne: nay, no man can iustlie

m Gen. 3. 23.

condemne by the word of God. For it is m the ordinance of God himselfe: it is the ancientest trade, n first practised in the beginning of the world: it is the trade o *Patribus sanctis olim in usu*, which the holie fathers of old time followed. Yea, howsoever the husbandman is now abased and contemned, yet husbandrie in times passed was p *Labor Romanis Nobilibus gloriosus*: A trade in which the Noblemen and Senators of Rome imploied themselves without discredite, yea with glorie and renowne. And therefore howsoever the Manichees (blasphemous heretiques y they were) said, q It was better to be an vsurer then a husbandman by profession: because (forsooth) the vsurer doth not pull vp or teare in peeces the members of God which are the trees, the hearbes, the apples, the fruites of the earth, as

n Gen 4. 2.
o Pellican. com.
in Pro. 12. 11.

p Ibidem.

q August. in
Psal 140.

the trade o *Patribus sanctis olim in usu*, which the holie fathers of old time followed. Yea, howsoever the husbandman is now abased and contemned, yet husbandrie in times passed was p *Labor Romanis Nobilibus gloriosus*: A trade in which the Noblemen and Senators of Rome imploied themselves without discredite, yea with glorie and renowne. And therefore howsoever the Manichees (blasphemous heretiques y they were) said, q It was better to be an vsurer then a husbandman by profession: because (forsooth) the vsurer doth not pull vp or teare in peeces the members of God which are the trees, the hearbes, the apples, the fruites of the earth, as

(say

Spirituall Vsurie:

Giuing of almes.

(say they) the husbandman doth: yet it is certaine that as the reason is vngodly, so their assertion is false. For the husbandman as concerning his trade, liueth *Innocenter & honeste*: An honest and harmelesse life. *Pea* husbandrie is *Omnium artium innocentissima*: (saith S. Augustine) The most innocent or harmelesse of all the Artes, Trades, Sciences, Craftes, misteries vsed and practised among men. This Naturall vsurie therefore which consisteth in gaining and increasing by tilling, and compassing, and sowing of the earth, and lastly, in reaping of the fruites which are yelded from the same: must passe by vs not so much as once snebbed or controuled, much lesse must it bee condemned from this sentence of Salomon, or any other part of the word of God.

1 August. de oper. monachorum cap. 11.
1 August. de Hares cap. 46.

2. There is an other kinde of vsurie which may not vnfitly be called *Fœnus Spirituale*, Spirituall vsurie. And of that there are two sortes. The first is giuing of almes, munificence and liberaltie towards the poore and needie: of which kind the ancient writers suppose that of Salomon to be spoken: *Fœneratur Domino qui miseretur pauperis*: He lendeth (as it were) to vsurie to the Lord that is mercifull to the poore. For so the olde translation readeth it from the Greeke: *δανείζει δὲ τῷ ὁ Θεὸς τῷ πτωχῷ*. And the reason thereof is this: *Quemadmodum qui homini mutuum dat, expectat ut sibi mutuum reddatur: Sic certissime expectet quod quis erogat in pauperem, sibi à Domino etiam cum amplissimo fœnore reddendum*. Euen as hee which lendeth, looketh iustly to receiue his owne againe: so let him that is mercifull to the poore most assuredly expect that the thinges which hee layeth out shall be rendered againe of God with a most liberall increase, as it were with a threefolde vsurie. Now *Vide vsuram naturam & admirabilem* (saith Chrysostome speaking of that place of Salomon, and of this kind of vsury)

1 Pro. 19. 17.

1 Io. Mercerus. com. in Pro. 19. 17.

x Io. Chrysost. hom. 3 in Gen. 1.

Spirituell vsurie :

giuing of almes.

y *D. Wilson. in*
*Prologo.*z *Mat. 5. 42.*a *Deut. 15. 10.*b *August. in**Psal. 36. Ser. 3.*c *Pro. 19. 17.*d *Chrysost. ho-*
mil. 5. in Mat.

2.

e *Origen. ho-*
mil. 3. in Psal.
36.

Beholde the rare and wonderfull nature or operation of this vsurie: that where other vsurie is condemned of God, this he promiseth to recompence with abundant increase. This kind of vsurie is y good and praise wor-
thie: For God himselfe hath commaunded it, z Giue to him that asketh: and againe, a Thou shalt giue him, and let not thy heart greene to giue him. Whereof Saint Augustine sayd well, b *Deus noster qui te prohibet esse fœneratorem, iubet te esse fœneratorem: & dicitur tibi, fœnera Deo.* God (sayth he) which forbiddeth thee in other cases to be an vsurer, in this case, and in this sence commaundeth thee to bee an vsurer: and it is sayd vnto thee, Lend vpon vsurie vnto God. And as this vsurie is commendable in it selfe, and commanded of God: so is it also verie profitable and commedious to him that vsureth it. For c *The Lord (sayth the scripture) will recompence him, that whish he hath giuen.* And whereas d *Ille acquirunt gehennam, Ista usura regnum:* (sayth Chrysostome) The common vsuries purchase hell vnto their masters, but this kinde of vsurie obtaineth a kingdome, and glory, and euerlasting saluation. This kind therefore of putting forth to vsurie and increase, namely to be liberall to the poore, that so God may recompence thee with aduantage: is that whereto all men are to bee exhorted, as to a most commendable, yea a most profitable thing: and therefore no where forbidden in the word of God.

There is another branch of this Spirituell vsurie, and that is the profitable imploying of the giftes which wee haue receiued from God to the aduancing of his glorie, and the benefite of men. Of this vsurie Origen speaketh preaching to the people: e *Ecce & nunc vos omnes, quibus hæc loquor, pecuniam accipitis fœneratam, verba mea: hæc pecunia Domini est.* Behold (sayth he) all ye to whom I speake these thinges, doe take my wordes as money to vsurie:

Spirituall vsurie, the

imploying of Gods giftes.

vsurie: this is the Lords money, which you must vse to increase. Of this vsurie also our Saviour Christ speaketh in the parable, ^f Thou oughtest to haue put forth my money to the exchangers, and then at my coming should I haue receiued mine owne with vantage. (The Greeke hath ^{duy tōnū} the old translation, *Cum usura*, M. Beza, *Cum fa-* ^{nore}, that is in english, with vsurie.) Now the money there spoken of is taken ^g *Pro commissio talento*, For the talent, or gift, or grace of God committed to a man. The putting forth of this money signifieth ^h *Opus exhibitionem*, The yeelding of workes, as Theophylacte doth well expound it: that is, the labouring and endeavouring to glorifie God, & to doe good to men by the giftes which wee haue receiued. The aduantage or vsurie there spoken of, is partly ⁱ *Supererogantia bonorum spiritualium*: The increase of the spiritual giftes themselves by the vse: (for as Iron groweth the brighter by wearing, so doe the giftes of God grow the greater by vsing.) And partly it is ^k *Fructus scientie datae, vel gratie, vel beneficij*: The fruite and commoditie, which a man reapeth to himselfe, or yeeldeth to another from the knowledge, the grace, the benefite, which God hath bestowed vpon him. And this kinde of vsurie, that is, the imploying and putting forth of Gods giftes with in vs to the best aduantage of him and our selues, must not be condemned, neither can it bee condemned from the holy scriptures. For GOD himselfe requireth it, ^l *Wherefore gauest thou not my money to the bancke? and it is the end why he giueth his gifts to men: for he saith,* ^m *Occupie till I come.* And if any man will (like an unprofitable seruant) hide his talent in a napkin, and bury it in the earth, ⁿ not onely his talent shall be taken from him and giuen vnto another: but also he shal be cast into bitter darkenes where shall bee weeping and gnashing of teeth.

f Mat. 25. 27.

g *Dismissus Carthus com. in*

Psa. 14.

h *Theophilact. com. in Mat.*

25.

i *Tho. Aquin.*

22. a. *Quest.*

78. *Artic. 1.*

k *Dionis. Carth. com. in*

Psa. 14.

l *Luk. 19. 23.*

m *Luk. 19. 13.*

n *Mat. 25. 28.*

30.

Ciuille vsurie.

Actual, mentall vsurie.

o Caietanus
Cardinal. Sum-
mula tit. v.
vsura.

p Io. Viguerius
Inst. Theol.
cap. 5. §. 3.
ver. 15.
q Io. Molanus
comp. Theol.
pract. tract. 2.
cap. 26. concil. 1
sect. 7.

r Pellican. com
in Pro 28 8.

3. These two kindes of vsurie being thus shortly passed ouer, as not so pertinent to this present treatise; I come vnto the third, which for difference and distinction sake we may call *Fœnus ciuile, aut politicum*: Ciuill, or politique vsurie. Which is when gaine and increase is raised from the vse of worldly goods, which are things belonging to the ciuill and politique estates of men. And of this kind of vsurie, I find that there are two sortes: One is Actual or Outward, when by acte & outward deede, increase is made by the vse of a thing. An other is Mental or Inward, which consisteth onely in the hope and purpose, and expectation of the man. So saith Caietanus, o *Vsura distinguitur in mentalem tantum, & in vsuram extrinsecam*: Vsurie is distinguished into that which is onely mental, or committed onely in the minde, and to that which is outward, or which be-
wrayeth it selfe by some outward acte. So sayth also Viguerius, p *Vsura diuiditur in mentalem & extrinsecam*: Vsurie is diuided into that which is Mentall, and that which is Outward. So sayth also q Molanus, and diuers others too tedious to repeate. Of Outward actual vsurie there are also two kinds: The one Voluntarie, the other by Compact. Voluntarie vsurie I take to be that which men commonly call *Fœnus liberale*, and is then performed, when the borrower hauing profited, and benefited himselfe by another mans goods, which he borrowed, doth voluntarie, vnbound, or vnrequired, yeeld a thankfull, or kind remembrance to the lender: not as a recompence of the other mans lending, but as a testimonie of his owne thankfulness. Now I am not ignorant that other men haue iudged other wise of this point. Pellicane putteth this difference betwene *Vsura* and *Fœnus*: x *Vsura dicitur quod supra sortem datur ex pacto. Fœnus quod libere datur supra sortem sine pacto*: Vsurie is that which is giuen by couenant aboue the principal:

Vsurie and Fœnorie

how supposed to differ

cipall: and Fœnorie is that which is giuen freely and without couenant more then the principall. But this distinction I approue not, vnlesse he put to *fœnus* the addition of *liberale*, to discerne it, and specifie it for a kind by it selfe: because it is euident that *usura* and *fœnus* are taken *promiscue*, both in one sense, and both in the worst part among all writers. Others haue thus distinguished betwene vsurie, and liberall or voluntarie

Fœnorie: *Usura est quod datur supra sortem ex pacto precedente, scilicet inter usurarium & debitorem: Fœnus liberale est retributio mutuata pecunia in debitoris libera voluntate constituta: Usurie* is that which is giuen above the principall by couenant, made before betweene the vsurer and the detter: Voluntarie Fœnorie is the repayment of the money borrowed, consisting in the free will or choyce of the detter. And he addeth: *Ita solet definiri:* So is it vsually defined. Now vsually it may be, but truely, and soundlie (in my suppose) it cannot be thus defined. For by this meanes Fœnorie shall be onely the repayment of such a debt, as which a man may chuse (because he is not bound) whether he will discharge or no. In which sense I doe not remember that euer I read the word vsed in any kind of writer. And besides that, neither can he be called *Fœnerator* or which lendeth without couenant or assurance to receiue his owne againe: neither can that be called *mutuata pecunia*, which a man so putteth forth, as he leaueth it free in y^e choyce of the borrower, whether he will euer repay it or no. And therefore without question, *Ita nequit definiri:* Voluntarie or liberall Fœnorie cannot so be defined. Vnles

per retributionem mutuata pecunia, we vnderstand, not the repayment of the principall, but a recompence and consideration made for the lending. I doe therefore so vnderstand voluntarie vsurie, as I haue before described it: and being so taken and vnderstood, I see not

Voluntarie vsurie lawfull.

Compacting vsurie, and his branches.

t *Tho. Aquin.*2.^a. *quest. 78.*art. 2.^a

how it can be condemned by the word of GOD. For first, it is onely a testimonie of thankfulness, and not a recompence of a benefite. Secondly, it is the free will of the giver: now what is freer then gift? And againe, *Volenti non fit iniuria*: If he will giue it vnasked or vncompelled, he hath no iniurie offered in the taking. Thirdly, he that lendeth might lawfully before he lent receiue a free gift of the borrower. *Nec peioris conditionis efficitur per hoc quod mutuanis*, sayth the Schoole man: His lending hath not put him into a worse condition: but that he may as lawfully take a free gift after he hath lent, as he might before his lending. And therefore this voluntarie vsurie I leaue also vncondemned: and doe rather condemne the old translation, which ioyneth together *Vsura* and *Fœnus liberale* in this sentence of Salomon.

But to proceede: As there is vsurie giuen of free will, so is there also vsurie due by Compact. And that is committed, when he that lendeth Couenanteith with the borrower to receiue againe not onely his owne, and his principal, but also increase and aduantage. Of which Compacting vsurie, some is more open and direct, and therefore I call it *Vsura explicata*, manifest or vnfolded vsurie: some againe is more close and secret, and therefore I call that, *Vsura palliata*, cloaked, or couert vsurie. According to which diuision Molanus speaketh thus: *Exterior vsura aliquando clara est, aliquando verò titulo honesti palliatur*: Outward or actuall vsurie sometimes is cleare, and manifest: but sometimes it is cloaked or couered with the title of honestie. And another more plainly, *Contractus mutui est duplex, verus & palliatus. Ita duplex est vsura: vera qua in vero mutuo, & velata seu palliata qua in palliato versatur*. The contract of lending is of two sorts: the one direct or indeede: the other cloaked or pretended. And so is vsurie of two sorts

u *Molanus**comp. theol**pract. tract. 2.**cap. 26. conc. 2.**sect. 13.*x *Martinus ab**Azpilcueta**anchirid. cap.**17. num. 207.*

also.

Mentall vsurie is

hope of gaine.

also: the one true vsurie, or vsurie indède which is occupied about true lending: the other couert or cloaked vsurie, which is occupied about lending cloaked or pretended. And these be the speciall kinds of outward or actually vsurie.

Then followeth that which is *Mentalis usura*: The vsurie of the minde, The practiser whereof is called *Mentalis usurarius*: A mentall vsurer, or one that committeth vsurie onely inwardly with himselfe and with his owne minde. For *Mentalis consistit in spe lucri absque ulla conuentione*: Mentall vsurie consisteth in the hope of gaine without any couenant, sayth Viguerius. If a man therefore lend, demaunding no gaine of the borrower, nor couenanting with him for vsurie and increase: outwardly, in dède, and act he can be no vsurer. But if his purpose, and desire, and expectation be, that the borrower should not bring his goods weeping home, but that he should tender him consideration for the vse of his goods: such a man hath in his mind committed vsurie before God, and commeth within the compasse of Salomons censure in this place. I am not ignorant that there are many other distinctions or diuisions made of vsurie: as *Simplex* and *Coniuncta*: *terrestris* and *nautica*: *Centesima*, *Semissalis*, *Trientaria*, &c. But these either are comprehended vnder those already specified, or els they are not in vse and practise among vs: and therefore I hold it not necessarie at large to dilate them. But now these branches of vsurie being thus exprest, it remaineth that we proceed to the handling of so many of them as fall into controuerisie and question in these daies. And those are by name, first Outward or Actually compacting vsurie, and the two branches thereof *viz.* Open and Cloaked vsurie: secondly, that which is onely mentall or committed in the minde. And therefore these onely my purpose is to

y Didacus Co-

marirelect.

part. 2.

2 Viguer. insti.

theol. cap. 5. §. 3

ver. 15.

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Caluine, Bucer, &c.

alowc for vsurie.

discusse in the treatise following.

But by the way let me note thus much from that which hath been already deliuered concerning the name, the diuers acceptiions, and the severall kindes of vsurie. It is true, and it must bee confessed that there are to be found in diuers godly writers large tolera-

b Io. Caluina
epist. resp. de
suris.

tions (that I may not say approbations) of some kind of vsurie. Master Caluin sayth, *Nulla testimonio scriptura mihi satis constat usuras omnino damnatas esse*. It doth not sufficiently appeare to me by any testimonie of scripture, that vsurie is wholly or generally condemned.

c Bucer com.
in Mat. 5.

Bucer sayth, *Vsura siue fœnus, hoc est, quicquid commodi ex data mutuo pecunia vel re alia ad creditorem a debitore supra sortem reddit, per se nulla lege prohibetur*. Vsurie or fœnorie, that is, all kind of commoditie which ariseth by the lending of money, or any other thing, from the borrower to the lender over and above the principall: by it selfe or simple is forbidden by no law. Bullinger see-

d Bullinger.
decad 3. Ser. 1.

meth to bee of the same minde, and some others also, who for their great godlines and learning are much to be regarded. Now I would haue no man to conceiue that my purpose is to neglect or contemne so excellent men, and so well deserving of the Church of God. No,

e Theod. Beza
de cana Dom.
contra Ioach.
Westphal. ad
cap. 22.

I acknowledge that Bucer was *uir pius*, a very godly man, and Bullinger was *uir doctissimus*, a very learned man: as Master Beza, a man very godly, and learned himselfe, hath intituled the in his writings. But espe-

f Beza respons.
ad Franciscum
Balduinum.

cially, Master Caluin was a man (as Zanchius testifieth of him) who is iustly to this day a *honorificæ me-*

g Hieron. Zanchius
miscel. in.
epist. ad Lant-
grauin pag. 36.

morie, of honorable memorie *vir tota nominis Europa*, as all Europe witnesseth. Wea further, he was a man *præstanti pietate, maxima eruditione, singulari in rebus omnibus iudicio*, of great godlines, exceeding learning, and singular iudgement in all things. God forbid therefore that I should contemne them and their iudgements. But

this

Bullinger taketh the name

of vsurie, very largely.

this is that which I would haue here to bee obserued, concerning these men and others of their opinion. With the name of vsurie is taken so largely, and sith there are so many kindes and branches of vsurie, whereof diuerse haue already been by mee acknowledged to bee lawfull: it is no great maruaile though they haue spoken so fauorable of some kinde of vsurie, or of vsurie in generall, taking it (it may be) in the largest signification. And why doe I say, it may be they took it in the largest signification: When as it is euident that some of them did so take it in dedde.

For Bullinger defineth vsurie after this sorte, *h Usura h Bullinger.*
est, cum alteri concedis vsum tui Peculij, vtpote agri, vel *decad 3. Serm.*
domus, vel pecunie, vel alterius alicuius rei, unde in annum

percipis fructum aliquem. Vsurie is, when thou yeeldest to another the vse of thy goods, as of thy ground, of thy house, of thy money, or of any other thing, whereof thou respect a yearelie commoditie. Now if vnder the name of vsurie, we vnderstand whatsoever commoditie letteth to a man from the leasing of his cattell, of his house, of his land, or such like: then it is euident that (as these learned men and others affirme) all kinde of vsurie, simple and generallie is not forbidden in the worde of God: neither doe they (taking vsurie so largely) oppositely and directlie oppugne the drift of this treatise. I conclude therefore this poynte with that saying of the Schoole man, *Usura quandoque capi-*

tur multum large, pro omni acceptione ultra sortem in mu- *i Gabriel Biel.*
tuo, et sic non omnis usura est illicita. Vsurie is taken some- *in quartum*
times very largely in signification viz. for any thing *senten. dist. 15.*

which is taken in lending aboue the principall, and so all vsurie is not vnlawfull. For voluntarie thankfulness hath been iustified already, and interest shall be iustified hereafter in this discourse. Besides that, the name of vsurie includeth the very vse of any thing, and it

Outward and actuall

vsurie defined.

hatb diuerse kindes which befoze haue been approued to be lawfull. So much therefore in this place for those mens opinions. Now I returne to the handling of the branches of vsurie, which are most common among vs and shall bee shewed to be unlawfull by the worde of God.

i. Out-
ward
Open
Actu-
all.

vsurie.

And first of that outward and actuall vsurie, which is open and manifest, and apparant to bee such as it is indeede in the eyes and iudgement of men. This is that kinde which hath spzed it selfe furthest, and hath growne most common in all places and corners of the world. And therefore of this kinde most writers of all countries doe intreate: giuing (euery man according to the abundance of his owne sence) diuerse definitions or descriptions thereof. All which but once to remember and relate, would almost make a volume of it selfe. Many therefore shall for breuities sake be onelie quoted in the margent: and those which are recited shall for the better vnderstanding of the simple bee diuided into foure senerall rankes.

I. The first sorte of definitions of Vsurie.

k Ludolphus de
vita Christi.
part 2. cap. 49.

l Petrus de An-
chorano consil.
49.

The first ranke shall be of those which doe thus define it or to this effect *Usura est quod ex mutuo ultra sortem accipitur*: Vsurie is whatsoever for lending is taken aboue the principall. Or againe, *Quicquid recipitur ultra sortem usura est*: Whatsoever is taken aboue the principall is vsurie.

To which
effect it is
also defi-
ned of

Aret. prob.
part. 1. loc.
50. tit. De
usuris.
Glanvill. lib.
7. cap. 16.
& lib. 10.
cap. 3.
D. Wilson.
fol. 34.

These definitions exclude as wee see the taking or recei-

Ingratitude condemned.

Other definitions of vsurie.

receiuing of any thing for lending, whatsoeuer, or vpon what occasion soeuer: and therefore are indeede more large then can well bee iustified by the worde of God. For first they exclude *Fœnus liberale*, which hath alsoe been approued to bee lawfull. Secondly, they cut off the very giuing and receiuing of thanks and good will betwene the borrower and the lender. Whereas very nature teacheth a man to bee thankfull for a benefite, and to repay good will to him that hath deserued it. ^m The Persians (wee reade) punished ingratitude with death, and ⁿ *Claudius Cesar* reduced vnthankfull persons into bondage: and why then should vnthankfulness bee tollerated among Christians? No, the Schoole men ^o haue canonized gratitude for a speciall vertue: and so is it certainly to be houlden and reputed. These definitions therefore I receiue not, for the reasons befoze mentioned and alleadged.

m *Phil. Melancthon. Dial. lib. 1.*
n *Suetonius Claud. Caf. cap. 25.*
o *Tho. Aquin. 22^a quæst. 106 art. 1.*

2. The second sorte of definitions of Vsurie.

There bee others which describe vsurie after this manner, *¶ Vsuria est ubi amplius requiritur quam datur. Verbi gratia: Si dederis solidos decem & amplius quaesieris, vel dederis frumenti modium vnum, & super aliquid exegeris*: Vsurie is when any thing is required, or demaunded, more then was giuen or lent forth. As for example; If thou lendest ten shillings and demaundest more, or lendest a bushell of corne and demaundest more, this acte is vsurie. This definition steppeth a degree beyond the former sorte. For where the other spake onely of giuing and receiuing more then the principall: this importeth a requiring, a demaunding, and an exacting of more then the principall. And yet this definition cannot be sound, nor sufficient to expresse vnlawfull vsurie,

p *Coneil. Agathense decret. 2.*

Taking of forfeitures

not generally vnlawfull.

vsurie. For if all kinde of demanding more then the principall be vsurie, then here is cut off all the taking of the forfeiture of any bande or obligation, for any cause or consideration whatsoever: because in so doing, a man demandeth and receiveth more, yea as much a gaine as the due debte and principall. Now it is true, that this taking of forfeitures, is a grinding of the faces of the poore to common in this uncharitable age, and it is a kinde of gaine which our fathers in former ages scarce knew, but seldome or neuer practised. Yet no man may simplie and absolutelie forbid another, euen by bandes to take securitie of his owne: neither may men peremptorie be condemned, when being dammified for want of their owne, they seeke to make themselves whole or to saue themselves harmelesse by the penaltie and forfeiture of bandes.

q G. Biel. in
quartum sent.
dist. 15. quest.
11. art. 1. c.

Provided alwaies that such bandes, obligations, penalties, and forfeitures, passe not betwene man and man ¶ *In fraudem usurarum*: To cloake vsurie with-
all, or to prevent the lawes which prohibite vsurie. *Quia, si in fraudem usurarum poenam adicit, usurarius est.*
For if a man lend any thing, and take the borrowers bande for the payment of it, with intent that at the day the penaltie and forfeiture of the bande, shall paye for the forbearing of the money: then certainly hee is an vsurer. Now it is to bee presumed saith the same Schooleman, that the lender imposeth a penaltie vpon the borrower, to cloake the acte or to auoyde the danger of vsurie. When as either 1 The lender wisheth rather, that the borrower would passe his daye, and so hee might take the forfeiture: then that he should paye him at his daye, and so auoyde the penaltie. Or else, when the lender knoweth at the time of lending, that the borrower is not like to make restitution at his appoynted daye. Or thirdly, If the lender imposeth a greater penaltie vpon

¶ *Ibidem.*

Interest, what it is:

Interest in two respects,

on the non payment then, his damage can possiblie be for the forbearing of his goods. These are three rules which if they were well seene into and observed, would cut off many vsurarios bargaines that passe betwene man and man, vnder pretence of billes and bandes, forfeitures and obligations. It being a common practise in these dayes, that when men lende vpon bandes, with intent of vsurie: when the daye is passed and the bande is forfeited, though they haue for want of their money at the appoynted day sustained no certaine, nay no likely damage, yet to paye themselves sometimes double and treble vsurie by the forfeiture of the band. And if they take not the extremitie, and the whole, they will be of necessitie accounted very honest and religious dealers. But of that by the way.

As those which define vsurie after this second sort doe thereby cut off all obligations and forfeitures: so doe they also thereby exclude all due and lawfull Interest. Interest is (saith Melancthon) a debte which he oweth by the lawe of nature, that hath beene to another an effectiual cause of damage and losse, or hath indeede hindered his iust and lawfull gaine. So that Interest is iustly due: *Non solum ex damno contingente, sed etiam ex lucro cessante*: Not onely when a man hath lent, and for want of receiuing againe of his owne in appointed time, he suffereth damage, but also when wanting his owne to employ for his best aduantage his gaine and increase is hindered. As for example, I lent freely, looking to receiue mine owne againe at a certaine appointed day. The day came, I receiued it not. For want of it, I forfeited at that day a band to an other man, and the forfeiture is exacted of me in part, or to the vtmost. I doubt not but reason and conscience will, that I may demaund such recompence of him to whome I lent freely,

(P. Melancthon.
lib definit. ap-
pellat.

t Panormitan.
c conquest. de
vsuris est. a
Gab in 4 sent.
dist. 13. quest.
11. art. 1. f.

Interest from damage sustained.

Interest from gaine hindered.

freely, as I am compelled for want of mine owne, to make to another to whome my band and obligation by that meanes is forfeited. And thus is Interest demanded *Ex damno contingente*: In consideration of the damage I have sustained. Againe, I am (for the purpose) an occupier, and have money lying by me, which may pleasure an other man for a time, and will serue mine owne turne well enough, if at such a day it be repaid. I lend freely: I cannot receiue it at my appointed time. For want of it, I cannot at such a sayze make such prouision for my house, or so furnish my shop with wares, as my necessitie and occupation both require, whereon my liuing and maintenance dependeth. I doubt not, but I may in equitie & conscience demand, that hee which borrowed my money, where with I might haue furnished my selfe of these thinges, should make recompence answerable to þ benefit & aduantage, whereof for want of mine owne I haue bene hindered. And this is Interest demanded *Ex lucra cessante*: In consideration of my gaine which by want of mine owne hath bene abated. The reason of both these is *Oratio* (sayth Melanchton) *Ex naturali aequalitate*: From naturall iustice. For this is a lawe of naturall equitie, ** Nemo locupletetur cum alterius iniuria*: Let no man enrich himselfe by hindring of an another. And the Apostle will not that euen in giuing of almes, (much lesse in lending and borrowing) we should so deale as *¶ Other men should be eased by the greiuing of our selues*. Now if I lend to pleasure an other, and for want of mine owne at the appointed time, I am indamaged to my creditour, or hindered of my lawfull gaine: hee is enriched by my harme, and eased by my grieue, and therefore recompence due vnto me by the very lawe of nature. Interest then is not vniust nor vnlawfull: and consequently the definition of vsurie last aboue named, because

u Melan. lib.
definit. appel-
lat.

x Ibidem.

y 1. Cor. 8. 13.

How Vsurie and Interest

because it excludeth all penall forfeitures, and all reasonable Interest, is not to be receiued.

Note by the way for the better discoverie of the v-
surers enill dealing, that howsoever hee to glose with
the world, is wont to confound the names of Interest
and vsurie: and men are wont to say, that they take
Interest, and lend vpon Interest; when indeed they take
vsurie and lend vpon vsurie: yet that there are two ma-
nifest and essentiall differences between vsurie and In-
terest, which doe so distinguish the one from the other,
as that they cannot possibly be confounded. One dif-
ference is this: Vsurie is an ouerplus or gaine taken
more then was lent: Interest is neuer gaine or ouer-
plus aboue the principall, but a recompence deman-
ded, and due for the damage that is taken, or the gaine
that is hindered through lending. An other difference
is this: vsurie accreth and groweth due by lending,
from the day of borrowing, vnto the appointed time
of payment: Interest is neuer due but from the appoin-
ted day of payment forward, and for so long as I for-
beare my goods after the day, in which I did covenant
to receiue them againe. So that, if once I haue lent
freely vnto a certaine day, I shall not demaund Inte-
rest for any damage sustained, or gaine hindered du-
ring that tearme of time, for which I haue lent vnto
another. But if at the covenanted time I receiue not
mine owne againe, then what harme soeuer do betide
me after that day for the forbearing thereof, reason
will that it be recompenced of the borrower. And so
much of Interest, and of the difference betwene it and
vsurie.

F 2

3. The

Other definitions

vsurie lendeth for gaine.

3. The third sorte of definitions cf Vsurie.

A third manner of defining vsurie is this.

a Selneccerus saith,

Luther. de taxand.

a Nich. Selneccerus instit.
christ. rel. part.
2. pag. 615.

Vsura est lucrum supra sortem exactum.

vsurato. 7. Onu

Vsurie is a gaine exacted about the principall. And so saith

Melanch. lib. de fin. appel.

Brentius, a *Vsuriam de*

Tho. Aquin. 22.

a Brent. com. in Leuit. 25.

finiunt esse lucrum, quod ad mutuum accedit, seu

To which effect it is also defined of

quast. 78. in principio.

ubi prater sortem soluitur aliquid propter mutuationem. Men (saith

Lamar. in Eze. 18.

he) doe define vsurie to bee a gaine that is

hom 76.

added to that which is lent: or when ouer and

Da. Chytraus. in

besides the principall,

Exod. 22.

any thing is payed for

Ver. 14.

lending.

Vignierus. instit.

Now these descriptions are somewhat more per-

theol. cap. 5. §. 3.

fect then those that went before: for they doe adde the

ver. 14.

mention of Gaine vnto Exaction. And whereas the o-

D. Wilson. feb. 85.

ther affirmed that whatsoever is exacted more then

the principall, that is vsurie: (so condemning both pe-

nalities and Interest, things which are lawfull in com-

mon equitie,) these definitions doe import that vsurie

is neither penaltie nor Interest, taken for the forbear-

ring of any thing longer then the appointed day: but

that it is a gaine, an ouerplus, and increase arising from

the very act of lending. And yet these seeme not to me

to be perfect and absolute enough to the purpose. For

put

All lending for interest

gaine, not vnlawfull.

put the case that I lend an hundred poundes to a merchant aduenturer, with these conditions: viz. if hee gaine not by imploying of it, I require no gaine: if he lose in the imploying of it (doing his good and honest indeuour, that there bee not *Culpalata*, as the Ciuilians speake) I will beare halfe the losse: if he gaine nothing, but onely saue the principall, I will haue that wholly repayed againe: if hee not onely saue the principall, but gaine by the imploying of it also, I will not only haue y^e principall, but part of the gaine also. In this case I demaund gaine of y^e which I lent, even because I lent it: and yet I take not this gaine to bee vsurie or vnlawfull. First, because I doe herein aduenture the principall. Secondly, because I am contented to partake the losse. Thirdly, there is neither certaintie of gaine, neither if I do gaine, is there anie measure or proportion of gaine agreed vpon. It may bee some man will iudge this to be *Contractus societatis*: The contract of society, or partnership. If it be, yet it differeth very little from lending. If it be lending, the doth it annihilate the definitions last aboue mentioned: as those which do not sufficiently describe that kind of vsurie which is vnlawfull and condemned by the word of God.

Not much vnlike or differing from this, is the right Contract of Societie, or partnership in deed. An instance whereof may (for examples sake) bee deliuered in a Scholler: who hath readie money left him of his father, but hath no trade wherein to employ it, because he hath been continuallie trained by in learning. Hee hauing a friende that is a Merchant, committeth the occupying of his money vnto him: with condition that they shall diuide the gaine equallie betwene them, if it increase, and beare the losse equallie betwene them if it decape. The summe of the covenant is thus much in effect. The Scholler shall after a sorte

lend

If 3

lend

lend the Marchant his money, and the Marchant shall after a sorte lend the Scholler his labour: both shall be combined, and the losse or gaine shall be equallie diuided. This was neuer iudged to be vsurie: neither shall it euer be iustly reproued from the Scriptures.

4. The fourth sorte of definitions of Vsurie.

There are yet others which doe describe vsurie after an other manner, and in another forme of words. The Diuines of Wittenberge, haue thus concluded of it, *Sancti usurarii seu foeneratores, quicunque ex pecunia mutuo data vel minimum etiam obolum, vel haustum frigida aqua, ex conueniente ultra sortem accipiunt.* Those are vsurers, who, for money lent forth, doe by couenant receiue euen the leaste halfe pēnie, or a draught of cold water, ouer, or moze then the principall. To this effect also is it defined of that reuerend B. of Sarisburie, *ecclesia nostra decus & ornamentum*, who was in his time an honour & ornament to our church: as D. Hūrie truly reporteth. He intreating *ex professo* of this argumēt: hath left vsury thus defined in his writings. *Usurie* is a kinde of lending of money, or corne, or oile, or wine, or of any other thing, wherein vpon couenant and bargaine we receiue againe the whole principall which we deliuered, and somewhat more for the vse and occupying of the same.

b These Wittenberge de vsura. thess. 2. citat. ab Aret. Prob. part. 1. loc. 50.

c Laurent. Humfred. epist. nuncupat. in Vita Luelli. pag. 4.

d Io. Iuel. Ser. in 1. Thess. 4. 6.

Zegedinnus loc. com p. 457.

Hugo card. cōment. in Pro. 28. 8.

Iob. Molanus cōpend.

Theol. practica tract. 2. cap. 26.

consil. 3. sect. 14.

D. Wilson. fol. 84.

M. Smith. ser. 1. vpon

Usurie. fo. 3

M. Turnbull serm. 4. in

Psalm. 15.

M. Perkins. Armil. aur. in pract. 8.

cap. 27.

Raymundus Goffredus.

Row

Vsurie is without

danger or aduenturing.

Now these definitions doe adde vnto the former the poyn^t or particular of compact. At the least wⁱse they doe moze openly and clere^{ly} explaine that, which the others haue deliuered concerning debte and exaction. For the borrower can owe nothing but by couenant: the creditour can exact nothing but by couenant. And therefore alth^o in vsurie there is debt, and there may bee exaction: there must of necessitie be also in vsurie, not only lending and gaine, but also couenancing and compacting for gaine.

But now because these three thinges may concurre viz. 1. Lending. 2. Lending for gaine. 3. Couenancing for gaine: and yet not make vnlawfull vsurie (as hath beene befoze exemplified in the third ranke or order of definitions:) therefore I adde the fourth circumstance vnto the former three, and that is, The not aduenturing of the principall. And this fourth point I take vp and adioyne to the former out of the Councell of Laterane.

Haec propria est usurarum interpretatio, quando videlicet ex usu rei quae non germinat, nullo labore, nullo sumptu, Nullo ne Periculo lucrum factusq; conquiri studetur. This is the proper interpretation of vsurie, (say the Fathers assembled in that Councell) when men labour to get gaine and increase from the vse of a thing which groweth or increaseth not: and that with no labour, with no cost, with no danger, or aduenturing. And therefore conferring al these definitions together, and gleaning out of them all, that which I holde most essentia^l to this purpose: I doe thus define that Open, Outward, and Actua^l vsurie whereof I now intreate, and which I take to be forbidden by the worde of God.

Vsurie is a lending for gaine, by compact, not aduenturing the principall.

Or moze plainly thus.

Vsurie is, when a man not aduenturing the goodes which hee lendeth, couenanteth to receiue againe more

c Concil. Lateran. sub Leone 10^o sess. 10.

The sinne of vsurie,

and vsurie it selfe, differ.

¶ Mar. ab Ar-
piscueta enchi-
rid. cap. 17.
num. 207.

more then he lenderth, even vpon this consideration,
because he lent them.

Note by the way, that I here do define the action or
sinne of vsurie, and not the vsurie it selfe, as many haue
done in the former descriptions. For one sayd rightly,
¶ *Aliud est peccatum vsura, & aliud vsura*: The sinne of
vsurie is one thing, and vsurie it selfe is an other thing.
The sinne of vsurie is to take or to desire vsurarios gaine:
but vsurie it selfe is the gaine which in the owne nature
may be valued for money, and is demaunded principally
for the dutie either of direct or coloured lending. Now
the sinne or fault of vsurie, is the thing which is con-
demned in the worde of God, and therefore that is it
which I deemed here most fit to bee described. And in
this kind of vsurie thus described and layd forth, I doe
obserue foure thinges which must of necessitie concur
and meete together. 1. The first is Lending. 2. The
second is lending for Gaine. 3. The third is Compa-
cting for gaine. 4. The fourth is, The not aduenturing
of the principall. Of which foure particulars, as of
thinges whereupon dependeth the waight and sube-
stance of this controuersie, my purpose is severally
and largely to intreate in the sermon following.

The ende of the first Sermon, Preached

March 19. 1592.

The



The second Sermon: the speciall contentes whereof are these.

1. *Vsurie is committed in lending onely.*
2. *Vsurie is in lending for gaine.*
3. *Vsurie is compacting for gaine.*
4. *In vsurie is no aduenturing of the principall.*

And so consequently here is discussed.

1. *What lending is, and how it differeth from o-
ther contractes.*
2. *What gaine is, and what it is to lend for gaine.*
3. *What it is to compact, and how many waies a
man may covenant.*
4. *How the vsurer aduentureth, and not aduen-
tureth his principall.*

The first of the foure thinges,
necessarily required to the defi-
nition of this vsurie, is that it
becommitted in lending. ^a *Di-*
cunt vsuram in solo mutuo (quod
debet esse gratuitum) committi:
non in reliquis contractibus. Men
say that vsurie is onely commit-
ted in lending, (which should be

free) and not in other contracts. Now indeede, learned
men doe say and affirme so.

G

^a Bullinger.
decad 3. Serm.
1.

^b Chemnit. loc.
com. tom. 2. tit.
de paupertate
cap. 6.

Vsurie is in lending onely.

Contractes how belonging to Diuines.

c Brent. com. in

Leuit. 25.

d D. Wilson

fol 86.

e Exod. 22. 25.

f Luk 6. 35.

g Chemnit. loc.
com. tom. 2. tit.
de paupertate.
cap. 6.

h Ibidem.

contractu mutui: Vsurie is committed in the contract of lending. Brentius sayth: *Vsura fit tantum in mutuo*: Vsurie is committed onely in lending. D. Wilson sayth: There cannot bee any vsurie where lending is not. And therefore the scripture sayth, speaking of vsurie: *Si pecuniam mutuam dederis*. If thou lend money: for so is it read in al old and new translations. And the Greeke interpretoz hath; *εισπραξις*: The same worde which Christ bleseth, Luk. 6. and all men translate, *Mutuum date*: Lend looking for nothing againe.

Now sith vsurie is onely in lending, it is necessarie that we consider what lending is: and consequently, that we haue some recourse vnto the lawyers scholes, to whome the handling of contracts both specially appertaine. And yet so, as that in speaking thereof, wee shall not wholly transgresse the boundes and limites of Diuinitie. For although, s The matter and forme of contracts be to be deriued from the lawyers and philosophers: yet the Diuine addeth to them the efficient cause, which is the ordinance of God: and speaketh more highly of the final cause, then either the lawyer, or philosopher by his profession can apprehend. h For the rule of Diuinitie (sayth Chemnitius) is this. *Ita exercendos contractus, ut conspiciatur fides, & exerceatur dilectio*: Contractes, and bargaines must so be vsed among men, as they may shew their faith, and exercise their loue towards their brethren. A thing which I thought good the rather to obserue, lest either Diuines should thinke that matters of bargaining and contracting belong no way to their profession: or that in speaking of them at this present, I should bee thought to assume that vnto mee, which becometh not my calling.

But to returne to the point: If we wil know what lending is, and what manner of bargaine a man maketh when hee lendeth to his neighbour: me thinkes

Hemingius

Lending what.

How lending and giuing differ.

Hemingius hath well described the nature thereof vnto vs.ⁱ *Mutuatō est contractus quo transfertur rei Dominiū in alterum, nullo quidem pretio interposito, sed cum pacto, ut eadem res reddatur in specie.* Lending is such a contract, or bargaine, as transferreth the dominion or propriety of a thing, from one vnto an other, for no consideration of any price or recompence, but onely with couenant, that the same kinde of thing bee rendered and repayed againe, Now I would haue these wordes of Hemingius to bee thoroughly waighed and considered. For euery one of them hath his waight and moment: and they doe not onely distinguish lending from all other kind of bargaining: but also doe manifestly shew that an vsurer can practise no other contract, but onely lending: yea, and onely that kinde of lending which is called mutuation. First, in that when we lend, wee couenant with the borrower, that the same thing, or the like thing, shall bee repayed and restored againe: therein and by this poynte is lending distinguished from giuing. For *Donatio propriè est, qua aliquis dat ea mente, ut statim velit accipientis fieri, nec ullo casu ad se reuerti.* Giuing is, when a man bestoweth a thing vpon an other, with this minde and purpose, that hee would presently haue it become his that doth receiue it, and neuer in any wise to be returned againe vnto himselfe. From whence then we may easily obserue, that the vsurer giueth not forth his money or his goodes: in as much as he hath no purpose to make them become for euer, the goodes of the receiuer: but couenanted, that in time they shal againe returne vnto himselfe. And therefore, though sometimes wee reade this phrase or manner of speaking in the holy scripture. ¹ *Thou shalt not giue him thy money to vsurie:* and againe, ^m *He that giueth not his money to vsurie, and such like:* yet wee must not bee so simple, as to gather from thence, that the vsurer practiseth

ⁱ Hemming.
com. in lac. 5.

^k L. 1. § L.
Donari. ff. de
Donationibus
§ L. Donari.
ff. de Reg. iur.

¹ Leuit 25. 37.
^m Psal. 15. 5.

The vsurer giueth not.

Letting, what.

n Ezech. 18.
13.

o Gratian, de-
cret. Part. 2.
Caus. 14.
Quaest. 3.

p Melancthon.
lib. defin. appel-
lat.
Et L. 2 ff. loca-
ti. L. 1. §.
Si quis seruum.
ff. de posir.

tieth the contract and cotenant of giuing: for as much as he indenteth for the returne, and repaying againe of such thinges as are deliuered. Whereof it is that though the prophet Ezechiel do vse also the same phrase of *giuing forth to vsurie*: yet he addeth therunto, the taking of increase: which noteth, that it is such a kinde of giuing, that is practised in vsurie, as carveth taking with it. As if a man would say in this case, and in this sense, as it is sayd in Authoꝝ of some kinde of contracting. *Do ut des, vel do ut facias*: I give thee, that thou maiest giue me: or I giue thee this, that thou maiest doe me that. Thus then wee see howe lending and giuing differ: and that the vsurer doth not in putting forth of his money, exercise the contrate of giuing unto men.

From giuing then, let vs procéde to letting: and let vs consider whether the vsurer doth let forth his goodes or no. For that is also a phrase of speech which they haue among themselves: namely, that they doe let their money, or put it forth to lettage or loanes. Now what is letting? *Locatio est contractus, in quo res transfertur ad certum tempus, quoad usum, pro certo pretio, non quoad dominium, &c.* Letting (sayth Melancthon) is a contract, in which a thing is transferred or made ouer from one man to another, as touching the vse, but not as touching the propertie, for a certaine price, and for a certaine time. As for example, I let thee my seruant by the day, to labour in thy haruest: I let thee my horse by the weeke, to ride vpon, my howse by the yeare to dwell in, my land to occupie, &c. not that my seruant, or horse, or howse, or land should become thine owne in propertie, and should abide by thee for euer: but that thou shouldest haue the vse, and profite, and benefite of them for a certaine season. So that herein lending and letting differ. Lending maketh a translation of the propertie,

The vsurer letteth not.

Buying and selling what.

pertie: letting doth onely make an alienation of the vse. Whereof it commeth to passe, that in lending ^{q L Pignus C. de Pignorat. act.} *Transfertur periculum in accipientem.* The hazard, or aduenturing of the thing which is lent, is conueyed from the lender, to the borrower or receiuer. So as, if that which he borroweth doe perish or decay: the borrower is bound to make it good againe. And why? Because the proprietie or dominion of a thing was in him: now the casualtie of things belongeth to the owner. But it is otherwise in letting: If a man let a thing, and by casualtie it perish in the vse: the hyrer shall not bee bound to make it good, because the dominion and proprietie resteth not in him. To which also may be added, the reason that the Lorde himselfe touching that case giueth in the scriptures: ^[Exod. 22.15.] *If it bee an hired thing, it came for his hyer.* The hyrer paide for the vse, and therefore hee shall not stand to the aduenture of the thing. And consequently, as it hath been before declared, that the vsurer giueth not: so is it euident from hence, that he letteth not his goodes. For first, the vsurer doth alienate the proprietie of his goodes, from himselfe to the borrower. Secondly, hee doth impose the casualtie of that which he lendeth vpon the necke of him that doth receiue it. Neither of which two thinges, are vsually, or iustly practised in the contract of letting: the vsurer therefore doth not let his goodes.

From letting, let vs goe on to buying and selling.

[¶] *Emptio est contractus, quo res transfertur quoad dominium pro iusto pretio: Nec retinet emptor ius retrahendi pretij.* Buying is a contract, by which a thing is transferred or alienated, from one man to another, as touching the dominion or proprietie, for a certaine price: and the buyer hath no right to recall, or withdraw the price, or consideration againe. From which it may appeare in few wordes: First, that buying and selling, do differ much

The Vsurer selleth not.

The Vsurer exchangeth not.

from lending. For lending, is the translation of the dominion of a thing, *Nulla interposito pretio*: For no price or consideration: but selling is the alienating of a thing, *Pro iusto pretio*: For a set price to be paid, and consideration to be made. Secondly, it may appeare that the vsurer practiseth not the contract of bargain and sale. For he doth not alienate his goods for a certaine price, and for ever, as in buying and selling men alwayes doe: but hee doth alienate the propriety and vse of the onely for a time, and for that temporall alienation and vse, demandeth recompence and consideration. Therefore he buyeth and selleth not.

u Summa. Angel. de Clauas. tit. permutatio.

From selling, let vs passe on to exchanging: and let vs enquire if the vsurer exchangeth his goods. Exchanging is thus defined, *u Permutatio est unius rei certa, pro altera certa vicaria praestatio*. Exchanging is the yeelding of one certaine thing, in the stead, or in the room of an other certaine thing. As thus: A man exchangeth his coate for an other mans cloake, or ten combes of Rye for eight combes of Wheate: or one howse for an other, or one piece of land for an other, &c. And this doth manifestly differ from lending. For in lending I looke for mine owne againe: in exchanging, I looke for some other thing in lue of mine owne. In lending, I looke that *Eadem res reddatur in specie*. The same thing which I lent, should bee rendered againe in the owne kinde. As money for money, wares for wares, corne for corne, &c. In exchanging, it is not necessarie that the recompence be of the same kind: for a man may exchange house for land, corne for cattel, golde for silver, &c. Now then, it is manifest that the vsurer in putting forth of his goods, exchangeth them not. For hee doth not covenant to take one certaine thing, in the steade of an other certaine thing: as money or wares in the steade of his money or wares: but hee covenanteth to

have
the

Mutuating and Accommodating

How they differ

haue his money againe, & an other certaine thing for the use of his money; his wares againe, and an other certaine thing for the use of his wares. The vsurer therefore exchangeth not.

From exchanging, I proceede to accommodating: a kind of contract, whereunto the scaritie of our english tongue yeeldeth no proper nor peculiar name. The Latines haue two kindes of lending, *Mutatio*, and *Accommodatio*: we for distinctions sake, must call them (though somewhat barbarously) mutuating, and accommodating. And these two kindes of lending, doe differ very apparantly in two materiall pointes. For first, in that kind of lending, which they call *Mutatio*, & which I haue before defined: * there is a transferring of the proprietie and dominion of the thing which is lent, from the lender to the borrower. As for example: I lend a man money, or corne, or wares: I make them in lending to become his owne, so as hee may doe with them what himselfe listeth: hee may exchange them, he may sell them, hee may giue them away, yea (if he list) he may cast them away: for they are his proper owne. And therefore it is called *Mutuum*, quod de meo fit tuum: as a man would say, Mine thine, or mine, by this lending I make thine. But in that kind of lending, which is called *Accommodatio*, or accommodating: it is far other wise. For there is onely a transferring of the vse (not of the proprietie) to the borrower: and therefore he cannot enery way vse the thing borrowed as his owne. As for example: I lend a man my horse: he shall not by vertue of my lending, doe with him what he will, as with his owne: he shall not kill him, he shall not giue him away, hee shall not sell him away, hee shall not exchange him away. And why: the horse is none of his. And why that: I did not make him by this kinde of lending owner of my horse

x L. 2. § Ap-
pellata. & § Si
credatum ff. Si
certum petat-
ur. §. 1. Iustit.
Quibus mod.
re cont.

y D. L. 2. §. Ap-
pellata.

Mutuating and accommodating,

how they differ.

z Zach. Vrsinus
Doct. Christ.
part. 2. in pre-
cept. 8. § L. 3.
ff. Si cert. Pe-
ratur.

a Vrsinus Ibid.

horse, nor transſerre the proprietie or dominion vnto him: but I yeilded vnto him onely the vse and benefite of my horse. And therefore hee shall ride him, hee shall labour him, he shall imploye him in drawing, in cari- age and such like: but he shall not doe with my horse whatſoeuer himſelfe liſteth, because by this kinde of lending I haue transferred onely the vse and not the proprietie of my goods. Secondly, mutuating and ac- commodating doe differ in this: ² *Datur aliquid in mu- tuatione, non ut reddatur idem, sed simile aut equipollens*: A thing is mutuated, not with condition that the very same thing shall be repayed againe, but the like, or the e- quiualent. As for example: I lend tenne poundes, not with purpose or condition to receiue the very same coyne, and the same pieces againe, but with condition to receiue other ten pounde: bee it in golde, when that which I lent was siluer, or bee it in testers, when that which I lent was in shillings, it is not materiall: I haue the like, or that which is equiualent to mine owne, and that is all which I expected, or couenanted for in mutuating. But now, it is farre other wise in ac- commodating. If or, ² *Commodatio est, cum quod ad v- sum, vel vsus alicuius rei conceditur alicui ad certum tem- pus, ita ut sine pretio idem indiuiduum reddatur integrum, & incorruptum*: Accommodating is, when the vse of a thing is graunted to a man for a certaine time, with con- dition that without price, or recompence, the selfe same particular which was lent, shall bee repayed againe sounde, and not impaired. As for example, I lende a man my horse, not with condition that he shall send me home againe as much money as my horse is worth, or a cowe for my horse, or any other horse for mine: but he shall deliuer mee againe the same horse which I lent him. So that (as I said) these two kindes of lending, which for distinctions sake we call mutuating, and ac- commodating,

The Vsurer

accommodateth not.

commodating, doe differ in these two poyntes. First, in the one there is an alienation both of the vse and proprietie: in the other, onely of the vse, and not of the proprietie. Secondly, in the one it is sufficient to repay the like, or the equiualent to that which was borrowed: in the other it is required that the same particular, and none els, be restozed againe vnto the lender. Now, by this which hath bene spokē, it may appeare, that the vsurer doth not accommodate his goodes, or practise that kinde of lending which we call accommodation. For first, hee giueth the borrower interest in the proprietie of his goodes: else the borrower might not doe with them what himselfe listed. Secondly, he requireth not againe the selfesame particular which he lent, but the like or the worth onely: none of both which are done in the contract of accommodatiō. The vsurer therefore accommodateth not.

There bee diuerse other kindes of contractes. As ^b *Depositum, Pignus, Stipulatio, Fideiussio, Emphyteusis, Societas, Mandatum*, with the rest. But because the committing of vsurie doth hardly fall into some of these, and rarely into others: therefore for breuities sake I haue thought good to ouerpasse them in this treatise. The reasons why I haue made mention of those before rehearsed are these. Namely, that wee might see, 1. what lending is. 2. How it differeth from other contracts. 3. That this Outward, Open, and Actuell vsurie, of which yet wee speake, is committed onely in the bargaine of lending. For the vsurer giueth not, hee letteth not, hee selleth not, hee exchangerh not, hee accommodateth not, &c. Therefore he lendeth onely: and vsurie is onely in the contract of lending: and so consequently, vsurie is a lending, which is the first point contained in the definition thereof.

^b *Selneceus
Instit. Christ.
rel. part. 2. pag.
614.*

Now before I proceed to the handling of the second

part

parti

Things consisting in number, waight, &c.

are the onely obiekt of Vsurie.

particular, it is very requisite that wee obserue two necessarie consequences or inferences, arising from that which hath bene already deliuered, concerning this point of lending. The first is this. We haue heard that lending or mutuation is such a contract, as together with the vse doth trāsferre the dominion and proprietie of the thing vnto the borrower. From whence must necessarily followe, that *Obiectum mutui*, The thinges subiecte to this kinde of lending, must bee onely such as whose vse and proprietie cannot be seuered: so as a man cannot yēld another the vse of them, but hee must also yēld the proprietie: and he cannot yēld the proprietie, but hee must also yēld the vse. Of which nature and condition are only such things as consist & passe from man to man by * 1. number. 2. waight. 3. and measure: & therefore in thinges of those kinds onely, (and in none other) can vsurie bee committed. * *Nota quod non potest committi usura, nisi in his rebus tantum, circa quas contingit fieri mutuum: scilicet quae consistunt in numero, pondere, & mensura.* Note (saith one) that vsurie cannot bee committed, but onely in such thinges which are subiect to that kinde of lending which wee mutuation: that is to say, in such thinges as consist in number, waight, and measure. In number, as money: In waight, as leade: In measure, as cozne, & such like commodities: these are the thinges that can onely be lent, and taken vpon vsurie. For vsurie is only in that kind of lending: and such thinges onely as consist in number, waight, and measure, are subiecte to that kinde of lending: and therefore onely in such thinges can vsurie be committed.

* L. 2. §. 1. ff. Si
cert. petat.

c G. Biel. in 4.
Sent. Dist. 15.
Quaest. 18 art.
1. b.

The second inference arising from the premises is this. Vsurie is in lending, and therefore may bee committed in any thing which is subiecte to lending: that is in any thing which consisteth in number, waight, and mea-

Vsurie is not onely

gaining by money.

measure. And this is the rather to be obserued, because it is a receiued opiniõ among the bulgar sort, y^e vsurie is committed onely in the putting forth and taking bp of money. Whereas Hemingius sayd truly, ^d *In omni re- rum mutuatione usura dicitur.* Vsurie is sayd to be committed, (and may bee committed) in the mutuating or lending of any thing. And this the very wordes of the text doe make plaine in the scriptures: ^e *Thou shalt not* (sayth Moses in Deut.) *giue to vsurie to thy brother, as vsurie of money, vsury of meate, vsurie of any thing that is put to vsury.* And again in Leuiticus: ^f *Thou shalt not giue him thy money to vsury, nor lende him thy victuals to increase.* So that, there is not onely vsurie of money, but also vsurie of meate and victuals, yea of many other things which are put forth, and may be put forth to vsurie, as hath beene befoze expressed. S. Hierome sayth thus, ^g *Putant quidam, usuram tantum esse in pecunia.* Some are of this minde, that vsurie is onely committed in money. *Quod prauidens Scriptura, omni rei aufert superabundantiam: ut plus non recipias quàm dedisti:* Which the scripture foreseeing, or p^reuening, taketh away increase in euery thing: that in nothing maiest thou receiue more then thou hast deliuered. And an other saith: ^h *Fœnus est, quod Græcè πλεονασμός dicitur.* Vsurie is that which the Græcians call ouerplus or increase. *Vt quando quis dat vinum, vel frumentum, vel oleum, vel aliquid aliud, ut in eodem genere plus quàm dederit, accipiat:* As foze ample (sayth he) when a man deliuereth forth wine, or corne, or oyle, or any thing else, that hee may receiue in the same kind more then he deliuered. Therefore sayth M. Caluine ⁱ that most learned and excellent man, (as Lauater rightly calleth him:) ^k It is but a mockerie, if I shall say, as for me I haue not taken any profite by vsurie for my money: but I haue taken for my corne, or for my wine, and that was giuen vnto me for recompence. ^{ff} or

^d Heming.
com. in Iac. 5.
^e & Conc. Agathens.
^e Deut. 23. 19.

^f Leuit. 25. 27.

^g Hierom. com. in Ezech. 18.

^h Balsam. annot. in epist. Gregor. Nissemi ad Latortum Mitelenes Episcopum can. 6

ⁱ Lauat. com. in lib. Ioshua in epist. ad Episc. Winton.

^k Caluin serm. 134. in Deut. 23.

Vsurie is lending for gaine.

Free lending commanded.

if thou lend any thing and takest increase for it, thou committest vsurie: in as much as vsurie may bee committed in all such thinges as passe from one man to another in this kinde of lending. So that (to conclude this first poynt at length) by that which hath been spoken concerning lending, it may evidently appeare: First, that in vsurie there must be lending of necessitie, because it is committed in no other kinde of contract. Secondly, that vsurie is only committed in such things as consist in number, waight, and measure: for they only are subiect to that kinde of lending. Thirdly, that vsurie may be committed not only in the lending of money, but also in the lending of many other things: & that for the reasons which haue beene before rehearsed.

The second thing to bee obserued in this kind of vsurie, is, that there be lending for gaine. For if a man lend ten poundes, onely to receiue ten pounds againe, and no more: or if he lend ten combes of corne, onely to receiue the same measure againe, and no more: this lending cannot any way be called vsurie, because he taketh no gaine, nor increase, for that which hee hath deliuered. Neither may any man dare to condemne such kinde of lending for vnlawfull: nay it is that which God often commaundeth, and requireth in the scriptures. Christ sayth in the Gospell, ^l Lend, looking for nothing againe. And in an other place: ^m From him that would borrowe turne not away: and many such speeches to like purpose. And as God hath commaunded it, so godly men haue alwaies practised it: ⁿ A good man is mercifull and lendeth, sayth the Psalmist. And S. Ambrose sayth of Tobias, ^o *Quod commodauit pecuniam, & non foenerauit, iusti seruauit officium.* In that he lent freely and not vpon vsurie, hee performed the dutie of a iust and righteous man. And Iustinus Martyr pleading for
the

^l Luc. 6. 35.^m Math. 5. 42.ⁿ Psal. 112. 5.^o Ambros lib.
de Tobias, ca. 2.

Vsurie lendeth for gaine.

What is gaine.

the Christians, and iustifying their godlie conuersation, saith. P That they did so farre performe duties of humanitie, as they loued not onely their friendes, but even their enemies also. *Et mutuò damus ijs à quibus nos nihil recepturos esse speramus*: and wee lende (saith hee) to them of whome wee hope not to receiue any thing againe. And certainelie that free lending in these dayes is so scante, and that all lending is almost turned into vsurie, is no small argument that true Christians, righteous & mercifull men, begin to growe rare & geason in the world. But to retorne to the purpose. It is certaine that vsurie is such a lending as carrieth with it gaine and increase: for therefore are vsurie and increase so often vnit-
ed and combined in the scriptures. We must therefore inquire what gaine and gaining meaneth: that so we may yet further see into the nature of vsurie. The Schooleman saith, *Est lucrum, incrementum pecunia, vel pecunia mensurabile*: Gaine is the increase of money, or of that which can bee measured and valued by money. For vnlesse there be an increase by the vse of a thing, or uer and besides the retorne of the principall it selfe, yea besides the expenses which the putting forth of the principall carrieth with it: it is no gaine. *Lucrum non dicitur nisi deductis expensis*: A man is not saide to gaine, vntill hee haue deducted his expenses, and then some or uerplus remaine and abide vnto him. So that, if after a man haue lent, and all charges bee defrayed which his lending caried with it, then he receiue, or conenant to receiue, any money or monies worth moze then his owne, this is gaine or increase.

p Iustin. Mart.
tyr. orat. An-
thenagora pro
Christianis.

q Leuit. 25. 37.
Ezech. 18. 8. 13.

r G. Biel in
quartum. Sent.
Dist. 15.
Quest. 11 art.
1. a.

(Summa An-
gelsca tit. lu-
crum & glo. in
l. mutuis. ff. pro
socio.

Here then arise two things to be considered of vs. First, sith vsurie is onely lending for gaine, and gaine is onely that increase which is money or monies worth: therefore it followeth, that if a man lend not to gaine, either money or any thing that may be valued

Vsurie is gaine onely of

money or monyes worth.

by money, he cannot be saide to lende for vsurie. As for example: a man may lend to gaine the fauour of God, who requireth lending, and hath promised to rewarde it: now the fauour of God, & his rewarde, are things which cannot be valued with money. A man may lend to giue good example: now the benefite of good example, cannot be valued with money. A man may lend to purchase the loue and liking of another: now loue is a thing that cannot bee valued with money. And therefore though he that lendeth to any of these endes gaineth exceedinglie, if hee obtaine that which he aymeth at: yet therein he committeth no vsurie, because he gaineth neither money nor any thing that can bee prized for money. Againe, I may lend so to requite the kindness which I haue receiued from another man. This is not vsurie: for it is not lending for gaine: because I doe not thereby increase mine owne, but as it were exchange a benefite, or rather make a requitall and repayment of a benefite. Yea, I goe further: a man may lende to saue his owne, and yet not commit vsurie: because he lendeth not for gaine or increase. As for example: one oweth me already tenne poundes, and yet he comyneth to me to borrowe fve poundes more. I consider that the debte is desperate, and therefore make him this answer, that if he will put me in good security to pay at such a time the ten poundes, which already he oweth me, and together with that, the fve poundes which now hee requireth, I am content to satisfie his demaunde, *Non committo vsuram*: Herein I committe no vsurie. And why? *Quia illa decem qua recipio, non veniunt nomine lucri, quia alias mea sunt & mihi debita*. Because the tenne poundes which I receiue, with the fve poundes that last I lent, come not in as gaine or increase: for they were mine and due to mee before. Againe, put the case I heare that to morowe one is purposed

¶ Gabriel. Biel.
in quartum
sentent. dist. 15.
quest. 11. art.
1. 2.

Vsurie is not

onely in money.

purposed to come to borrowe money of mee, who I knowe is hardly able to paye againe: and whome therefore I am loath to trust. To defeat him I lende away my money this day vnto another: that when he commeth I may answer in trueth that I haue no money by me to lend him. I may perhaps herein not bee so charitable as I should: but it is euident that I commit no vsurie. For I did not lend away my money to gaine more then mine owne, but onely to saue that which was mine owne, and to keepe it out of danger. Now if I lend not to gaine, I cannot come within the compasse of vsurie.

A second thing arising to bee obserued from that which hath been spoken concerning gaine and increase is this. Vsurie is lending for gaine, and gaine is either money or monies worth: and therefore, hee that lendeth, to gaine by lending, any thing that is money or monies worth, that man committeth vsurie. Therefore are they much deceiued which thinke that they commit not vsurie, vnlesse for their money lending, they receiue there money againe. ^{u Ambros lib. de Tobia. cap.} *Et esca vsura est, & vestis vsura est, & quodcunque sorti accedit vsura est: If* 14. thou take victuals (saith Ambrose) that is vsurie: if thou take apparrell, that is vsurie: and whatsoever is about the principall, that is vsurie. *Quod velis ei nomen imponas, vsura est:* call it what thou wilt, or name it what thou wilt, it is vsurie. Saint Hierome also is of the same opinion. ^{x Hierom. com. in Ezech. 18.} *Alij pro pecunia faenerata solent munuscula accipere diuersi generis:* there be some (saith he) who for the money that they haue lent, are wont to receiue giftes, or rewardes of another kinde. *Et non intelligunt vsuram appellari, & superabundantiam, quicquid illud est, si ab eo quod dederint, plus accipiant:* and they vnderstand not that all whatsoever it bee, is called vsurie and increase, if they receiue any thing more then that which they deliuered.

And

Lending for any thing

worth money, is vsurie.

And therefore in these cases which followe, and in the like to these, is vsurie manifestlie committed. I borrow fortie poundes for a yeare, I promise to the lender, that for the vse of his money I will bestowe a gowne cloth vpon his wife, or a nagge vpon himselfe, or a peece of plate vpon one of his children: hee that lendeth in these or the like considerations committeth vsurie. Againe, I knowe a man that is in speciall fauour with the L. Keeper, the L. Chiefe Iustice, the L. Chiefe Barron, or some such like great personage in authoritie: I will lende him a peece of money, and for the vse of it hee shall doe no more but procure me an office in the Chauncerie, in the Kinges bench, in the Exchequer, or some other place: that man that so lendeth, and to such purpose, committeth vsurie. Againe, a Lord of a maner hath diuerse poore Tennants that want money, and come to him to borrow. He demaundeth what occupations they are of: the one answereth hee is a daye labourer. I will (saith he) lend you thus much money, and for the vse of it, you shall helpe mee so many dayes in haruest. Another answereth, hee is a husbandman, I will (saith hee) lende you thus much money, and for the vse of it, you shall till me thus many acres of land. This man (together with the rest before specified) committeth vsurie: for hee lendeth for gaine, and although hee requireth no money for increase, yet hee requireth that which is monyes worth, and the worth whereof may be valued and prized for money. So that as touching this second poynte of lending for gaine, there are these three things to bee considered. First, lending for gaine is lending for increase of money or monies worth. Secondly, lending for any thing which is not money or monies worth, is not lending for gaine, and therefore no vsurie. Thirdly, the lending for the gaine of any thing which is money or monies worth,

The vsurer couenanteth.

Couenanting, what

worth, is within the compasse of Outward, open, and actuall vsurie.

The third point obserued in the definition of vsurie, is couenanting & compacting. For this kinde of vsurie doth not onely lende for gaine, but also maketh composition and agreement for gaine. The scripture sayth, *y Ne imponetis ei usuram*: Thou shalt not impose vsurie vpon him: for so both Pagnine and Tremellius ^{y Exod. 22. 25.} translate it: and the Greeke hath *ἐν δανεισμοῖς*: and ^{z Vatab an-} *not in Exod.* ^{22. 25.} *blus obserueth that it is verbatim from the Hebrue, Nō imponetis super eum*: Thou shalt not put vsurie vpon him. Now vsurie cannot bee imposed or put vpon a man without couenant or compact. Besides that, diuers doe ^{* Alberic. in L.} define vsurie to be an increase or gaine arising by ^{iubemus. C. de} lending, *Debitum* or *Exactum*. Now gaine can neither ^{sacrosanc. Ec-} bee due to the lender, nor exacted of the lender, vnlesse ^{clij.} there haue some couenant or compact passed for it before. And therefore learned men speaking of these matters, doe call them ^{a Beza annot.} *Fœneratoriæ pactiões*, or ^{in Luc. 6. 35.} *Contractus usurarij*: Vsurious couenants or contracts. There ^{b Selneccer. in-} is then in this kinde of vsurie, couenanting or contra- ^{stit. Christ. rel.} cting for gaine. ^{part. 2. p. 616.}

Now what it is to couenant, I shall not neede to stand long to declare. One sayd truely, ^{c Wolf. Musc.} *Quid fœdus* ^{loc. com. tit. de} *fit & pactum, notius est quàm ut sit annotandum*: What a ^{fœd. & test am.} couenant, or bargaine, or compact meaneth, is so well ^{Des.} knowne that it neede not bee described. The Grecians ^{d Selneccer. in-} call couenantes, *συμβολαία* d *δάνειον* ^{stit. Christ. rel.} for the com- ^{part. 2. p. 610.} mutation, exchange, or reciprocall passion, and sympathye or agreement, which is betwene them that couenant together. And therefore the lawyers doe thus ^{e In leg. 1 ff. de} define a couenant: ^{pactis.} *Pactum est quod inter aliquos con-* ^{f Po. yanth. tit.} *uenit*: A bargaine is that whereof diuers doe agree: Or ^{pactum.} *thus*: *Pactum est duorum plurimumue in idem placitum,*

A couenant, what.

Covenancing by silence.

seu consensus. A couenant is the agreement or consent of two or more, about the same thing. And therefore where as there is an agreement and consent betwene the lender demanding, and the borrower promising increase: there is this covenancing, or compacting for gaine. Now this consent, and so consequently this covenancing may passe between man and man, by diuers meanes and waies. For first, there is *Pactum tacitum*: A secret kinde of covenancing, whereas an agreement and consent is by necessarie or probable consequence intended, or collected, although it bee by no meanes expresse and manifested vnto others. For a man may couenant, and consent by silence. As for example:

* *Summa Angelica. tit. matrimonium.*

* The parentes of two children doe in their presence and hearing, intreate and conclude of a marriage, to bee contracted and solemnized betweene those their children. The children standing by, heare the conference and conclusion of their parentes: but doe neither demand any thing, nor answer any thing, nor object any thing, nor replie any thing, nor affirme any thing, nor deny any thing that is spoken. In this case is intended the consent of the children to the conclusion of the parentes. And why? reason presupposeth, that if either partie had bene discontented with the match, they would by one meanes or other haue signified their dislike. In such cases as this, by like suppositions, it is growne into a prouerbe, *Qui tacet consentire videtur*: He that holdeth his peace, and replyeth not, seemeth to consent. And this may not bee thought strange of any, that a man should couenant by silence.

g *Plutarch. lib. de inmodica Verecundia.*

h *Polyanth. tit. Silentium.*

For a man may answer by silence: s *Silentium sapientibus responsum est*. Silence is an answer to a wise man. A man may accuse by silence. Menander saide, h *Qui tacet accusat*: By silence thou accusest more sharply. A man may defende himselfe by silence: as

bid

A man may

couenant by silence.

did i Our Sauour Christ when so many men laid so many things falsly to his charge. Now if a man may answer by silence, if he may accuse by silence, if hee may defend himselfe by silence: then may it easilie appear that a man may yeelde his consent, and enter a contract by silence. And therefore put the case that I come to a man to borrowe an hundred poundes: ye shall haue it (saith he) but yee shall giue me ten poundes for the yeares vse of my money. I stand still and answer nothing to the contrary, but take my hundred poundes and goe my waie. Here is intended *pactum tacitum*, a secret consenting or couenancing for vsurie. Againe, put the case I come to a man to borrowe money, and without any demaunde made on his parte, my selfe do offer of mine owne accord to giue him vsurie. Hee goeth away, and saith nothing, but fetcheth the money, and telleth it, and deliuereth it. Here is also *pactum tacitum*, a couert or secret couenancing for gaine, because by their silence, a mutual consent and agreement is intended howsoeuer no way expessed, or declared. And I warrant you the vsurer will not forget to vrgue it, if the borrower be negligent in performing of his offer. And this I thought good to note, least men should be overtaken with a couenant in this kinde of vsurie, before they be aware, and should depart from the vsurer, further tyed and intangled, then euer they suspected.

But to procede. As there is a secret and intended kinde of agreement, so is there also *Pactum expressum*, A couenant reuealed or expessed: and that is also of two sortes: *Nudum*, & *vestitum*: A bare, and an inuested couenant. A bare couenant, is a mans sole promise, by which hee witnesseth or protesteth his consent to that whereupon they are agreed. As for the purpose. I will lend you so much money (sayth the vsurer) but I tell you withall, you shall giue mee interest for

A bare couenant.

A couenant inuested,

the forbearing thereof. Contented sayth the borrower, that I will by Gods grace, and thanke you too. In this case they haue consented and couenanted by bare worde and promise, the one to take, the other to pay vsurie. And this is *Nudum pactum*, A bare or naked couenant. A couenant is inuested thre manner of waies, viz. 1. *Re*. 2. *Verbis*. 3. *Literis*. By thinges: By wordes: By writinges. By thinges, as by a pawne. And therefore he which lendeth, and taketh any Reall pawne for the payment of vsurie, hee couenanteth and compacteth for vsurie. By wordes, as *Stipulatio*, and *Fideiussio*. And therefore he which lendeth, and taketh before witnes the borrowers solenine promise, for the payment of increase: or lendeth and taketh an other mans worde for the borrowers paiment of the increase: that man couenanteth and compacteth for vsurie. By writing: as by bill, or booke, or obligation. And therefore, hee that lendeth and taketh of the borrower a bill of his hand, or his hande to his booke, or his hande, or obligation for the payment of vsurie, that man doth couenant and contract for gaine. I doe not take vpon mee curiously to enter into all kinds of contracts mentioned by Ciuilians: these onely haue I noted, as most vsuall and most incident to this case of vsurie: that both the borrower and lender may knowe, how that many waies they may in borrowing and lending giue consent and make compacte of gaining. The conclusion of this point is this: whosoever when hee lendeth, doth take the consent of the borrower for payment of increase, and doth take this consent of his, by pawne, by stipulation, by suerties, by his owne promise, by his bill, by his hand, by his obligation, yea by his secrete and intended consent: that man couenanteth for gaine, and is within the compasse of Outward, Open, and Actuell vsurie intended in this definition.

There

The Vsurers money called *Sors*.

Per arripionem

There is yet a fourth point to be obserued in this kind of vsurie: and that is, that the vsurer neuer hazardeth, nor aduentureth the goodes which hee lendeth forth. That which is lent forth they commonly call the principall; in latine they call it *Sors*: which is as much to say, as hazard, or chance, or lotte. ^k *Sortis dilatio usuram parturit*, sayth Hierome: The forbearing of the principall bringeth forth vsurie. And Erasmus in his annotations vpon that place of Hierome sayth thus: ^l *Sors est principalis pecunia quæ parit usuram*: The lot is the principall money or goodes that begetteth vsurie. Now the vsurer neuer aduentureth or hazardeth the losse of his principall: for he wil haue all sufficient securitie for the repaiment and restozing of it backe againe to himselfe. ^m *Nec tamen usurarius iste* (sayth Luther) *Quicquam periculi vel in corpore, vel in bonis, aut mercibus, in se recipit, aut patitur*. And yet will not the vsurer take vpon him any aduenture, or hazard, either in his bodie, or goodes. And therefore the name that vsurers giue to their principall, to call it *Sors*, which signifieth lot or chance: doth not otherwise agree to any thing which the vsurer lendeth, then *κατ' ἀρρίππασιν* (as wee say) that is, when men by speaking one thing, will vnderstande the cleane contrarie. As a mountaine is in latine called *Mans*, à non mouendo: Because it moueth not. Or as a woode is called *Lucus*, à non lucendo: Because it giueth no light: euen so, and not otherwise, may the vsurers money be called *Sors*, à non sortiando: Because hee hazardeth it not. Peter Martyr sayth, ⁿ *Nihil aliud est sortiari, quam aliquid agere, ex cuius euentu rem incognitam possimus deprehendere*. To cast lottes (in which things are put vpon chance) is nothing else, but to doe some acte, by the euent whereof wee may finde out some thing which is hidden or ynkowne. According to which description,

^k Hieron. epist. ad Marcellum. tom. 3.

^l Erasmus schol. Ibi.

^m Luther de taxand. Usura. tom 7.

ⁿ P. Martyr loc. com. clas. 1. loc. 7. Sec. 3. Ex. 1. Sam. 10. 19.

How the vsurers money

may be called lot.

o Augustin.
com. in Psal. 3.

p Ambros lib.
de. Tobia cap. 4

scription, the vsurer is farre enough from lotte or aduenturing. For he lendeth not, as desirous to knowe how the borrower shall speede, but as being assured afore hande what himselfe shall gaine: and hee lendeth not, as depending vpon the euent of the borrowers labour, but vpon the safetie and assurance of his owne securitie. Wherefore, euen as there is in these dayes little vse of lottes themselves among men: so is there no right vse at all of the name of lotte among vsurers. Unlesse perhaps some man will say that the vsurers goods may bee called lotte, as S. Augustine sayde that Absalom was called his fathers peace. *o Ideo Absalom patris pax dicitur, quia pater habuit pacem quam ille non habuit.* Therefore is Absalom interpreted his fathers peace, because his father had that peace, which himselfe had not. In the like manner may that which the vsurer lendeth, be called *Sors*, lot, or hazard, or aduenture, because the borrower hath that hazard which the vsurer hath not. For it may be (and it often falleth out) that the borrower dooth lose, but it is most certaine that the vsurer shall gaine. S. Ambrose doth notablie descante vpon this name of lotte and chance, which vsurers giue to their principall. *p Sortem dicitis quod debetur.* Ye call (saith he) that which is owing vnto you, lotte or chaunce. And not amisse. *Etenim, velut urna ferali misera sors voluitur, perituri debitoris luenda supplicio:* For the lot is cast into the deadlie pot or barreel, which when it is drawne out, must proue the borrowers bane. *Et fortassis ideo sors, quia in euentu sunt patrimonialia quae sub hac arte voluuntur:* Or perhaps (saith hee) therefore yee call it lot, or hazard, because the patrimonies or landes which are pawned or morgaged vnder this arte of vsurie, are in hazard neuer to bee redeemed, and a greate chance is it if euer they be recouered. But as for the goods which the vsurer lendeth, it is farre against his will,

The vsurer

pretendeth aduenturing.

will, if they be any way aduentered. And yet M. Bucer (a man whome they are wont to alleage in their defense) saith plainelie that we must not lend to our brethren that neede *¶ Certā restitutionis spa*, With a certaine hope of restitution, much lesse then with all securitie and assurance, not onely of the principall, but also of the increase. *q Bucer.com. in mat. 5.*

But I am not ignozant what the vsurer will re-
plie in this behalfe. Why sir (will hee say) whensoever, or howsoever, or to whomsoever I lende, it is euident that I hazard and aduenture my goods. For, say that I take the borrowers bande or bill, or pawne, or suerties, or promise for mine own securitie: yet it may come to passe, that hee and his suerties may proue bankrout, his and their goods may by some offence bee confiscated and forfeited to the crowne, hee or they may flee the countrie, or keepe the house, that they are not to be gotten: nay evidences may bee stolne, lost, burnt, caught out of my hand by coulenage, &c. a thousand waies are there, by which notwithstanding mine assurance, I may be defeated of mine owne. And therfore it is euident that I aduenture my goods. Now to this obiection of theirs, I answer two manner of waies. First I say, that in this sorte and this respect, every man aduentureth his goods, even hee that hath sufficient pawne in hand, yea euen he that keepeth his money fast lockt in his cofers: for they may be burnt, or stolen, or by coulenage conueyed away. All the goods of this life are of this nature: *Therust and moth* *Mat. 6. 19.*
may corrupt them, theeuēs may breake through and steale them away. And yet I trowe no man will say that hee doth aduenture his money, who taketh for it sufficient pawne in hand, or who keepeth it by himselfe vnder locke and key in his owne closet. I put an example to make the cause plaine. Wee haue in England two
sortes

A double kinde of aduenturing.

The vsurer aduentureth not.

sortes of Marchants, Marchant Aduenturers, and Marchant Retaylers. The Retayler cannot but hazard much, for he must trust often, sometimes for round summes, sometimes for a great while, sometimes vpon the borrowers bare worde, or hand to his booke, (which assurance no vsurer will take) and yet no man calleth him a Marchant Aduenturer, neither is hee assumed into their hall and companie. How much lesse then can an vsurer bee called an aduenturer of his goods, when hee will neither trust, nor lend for long time, nor but vpon all sufficient securitie? Secondly, to the plea of the vsurer touching the aduenturing of his goods, I answer in this sorte. There is aduenturing in a double respect, 1. First, *Quoad exitum*. 2. Secondly, *Quoad media*. A man may aduenture as touching the issue: and as touching the meanes. As touching the issue, it is confessed that the vsurer aduentureth: and no gramerchie, for hee cannot possible doe otherwise. Because no man can see the ende of a thing when hee beginneth it, and because the ouerruling prouidence of God will worke when it pleaseth, sometimes beyond meanes, sometimes without meanes, sometimes contrarie to meanes: therefore is it, that no man can say assuredly what the issue of any thing will proue. But as touching the meanes, the vsurer worketh so sure, as hee cannot in any reason be saide to aduenture. As for example: it is said in the Actes of the Apostles, that Herod apprehended Peter, and cast him into prison, and deliuered him to foure quaternions of Souldiers, to be kept, and bounde him with two prison cheynes, and set watch before the doore of the prison, and about Peters lodging, that he should not escape. The extraordinary prouidence of God did (indeede) deliuer him: but will any wise man say that Herod when he had vsed all these meanes of safetie did aduenture Peters comming out?

Act. 12 4, 5, 6.

The vsurer

aduentureth not

out: Euen so, when the vsurer hath bounde the boꝛro-
wer with bandes and pawnes as it were with fetters *Plutarch lib.*
(foꝛ so Plutarche speaketh:) and when hee hath tyed *de non facie-*
him as fast, and made him as sure, as his owne head *rando.*
can deuise, oꝛ lawes will permit: it may bee that one
way oꝛ other, God by his secret prouidence may de-
seate him: but will any man say, that the vsurer aduen-
tureth, oꝛ meaneth to aduenture, oꝛ thinketh that hee
doth aduenture the principall? No assuredlie. Foꝛ be-
cause he will not aduenture, he will neuer lend to vsu- *u ibidem.*
rie to a man that is not very sufficient foꝛ to pay. *Ne-*
mo faceratur pauperi: None will lend to vsurie to a poore
man. Nay, he will not lende two yeares together to a
rich man, but with new suerties, foꝛ feare (I trowe)
that he, oꝛ they should be vndone in fewe yeares by v-
surie: and so not being able to paye, the vsurer shoulde
lose his aduantage. It is euident therefore that he ad-
uentureth not the principall.

The conclusion of this whole sermon is thus much.
We haue examined the foure poyntes concurring to
vsurie. And from thence it appeareth, that whosoener
hee bee, that so lendeth any thing, as the proprietie is
transferred to the boꝛrower together with the vse: and
dooth couenant with him that boꝛroweth either by
worde, oꝛ suertie, oꝛ bill, oꝛ bande, oꝛ pawne, oꝛ secret
consent, oꝛ by any other kinde of bargaine: to receiue
moze then his owne againe, that is any thing which is
either money oꝛ monies woꝛth: and dooth not aduen-
ture the estate and retorne of that which hee lendeth:
he is that Outward, Open, and Actuell vsurer, who is be-
foze defined, and whose practise we shall after wardes
shew to be condemned, not onely in this sentence of Sa-
lomon, but also in many other places of Scripture.

The ende of the second Sermon, prea-
ched Aprill 23. 1593.

K

The



The third Sermon : the speciall contentes whereof are these.

1. Couert and cloaked vsurie is described, what it is, and how it seazeth vpon lawfull contractes.
2. Mentall vsurie is described, which consisteth in the sole hope and expectation of gaine.
3. The Scriptures are alleadged which doe condemne vsurie.
4. Two reasons are rendered why it is condemned in the Scriptures, viz. because that
 1. It ouerthroweth lending.
 2. It ouerthroweth charitie.

2. Couert } vsu-
Cloaked } rie.

a Erasmus
serm. in Psal.

14. tom. 5.

b Ioh. 3. 20.

c Francisc. Pe-
trarcha de re-
medio vtrius-
que fortuna.
lib. 1. dial. 56.

d Rainer. Pan-
theol. part 2.
tit. de vsuris.
cap. 7.



hitherto we haue handled on-
ly that kinde of vsurie which
(as Erasmus phraseth it) *aper-
ta facie est quod dicitur*: shew-
eth it selfe with open face, or in
the owne likenes. Now be-
cause that *b* Every man that doth
euill hateth the light, and vsurie
is a note, *miseri, deiectionis, et inertis*
animi, Of a miserable, base, and abiect minde: therefore
some to couer their sinne, and to vpholde their credite,
haue deuised faire cloakes to shroude their ragged gar-
ments, and haue begotten a more cunning, and subtille
kinde of trafficke in the world. One said not vntrue-
lie: *d* *Inter alias sunt tredecim casus quos in fraudem vsu-*

rarum

The cloakes of

vsurie are infinite.

rarum malitia cupiditatis quotidie inuenit : there are among others thirteene cases or deuises, which the wickednes of couetuous men hath time after time, deuised to elude, or to couer the practise of vsurie. Now, it was well that he said, there were thirteene cases, *inter alios* among others : least hee should haue bounded so large a field, with two strait an hedge. For there are thirtene hundred, yea thirtene thousand deuises, which men of euill conscience haue inuented to auoyde the shew and danger of vsurie. Nay, who can reckon them by thousands, when as Erasmus saith *c sunt innumera* : they are innumerable, as the starres in the skie, or the sand by the sea shoare, which cannot bee reckoned or measured for multitude : And they must needes be innumerable, because (as Bullinger saith) *f In dies exoriantur noua* : They arise dailie spicke and span new, one in anothers necke. And although the lawes doe by expresse wordes, forbid all craftes and cheuisances, and deuices made to such purpose : yet as Cornelius Tacitus reporteth of this euill in Rome, so may it be saide of our vsurers in England : *g Toties repressa, miras per artes rursus oriebantur* : Vsurers and their deceits, being often repressed by the lawes and statutes of this realme, are notwithstanding by wonderfull deuises, and subtilties risen vp againe.

All which cloakes and subtilties, if I would goe about to discover, I should attempt to treade an endles maze, and enter a labyrinth, out of which Theseus himselfe were not able to reduce me. For as their shifts are infinite on the one side, so are they exceeding subtille and craftie on the other. *h In usurario est palliatio, & excusatio sui vitij multum fraudulentissima* : In the vsurer there is a cloaking and excusing of his defaulte to too fraudulent, and deceitfull. Like are common vsurers vnto the monster Hydra : for they haue many heades,

c Erasmus ser. in Psal. 14. tom. 5.

f Bullinger. Decad. 3. Serm. 1.

g Cornel. Tacitus Annalium. lib. 6.

h Antoninus Archiepisc Florent. tom 2. tit 1 cap. 6. §. 11.

Vsurie a mysteric.

Vsurie variable.

i Gen. 3. 1.

k M. Smith.
serm. 1. Upon
Vsurie. fol. 12.
1. Apoc. 2. 17.

m Aret. Prob.
part. 1. loc. 50.
de Vsuris.

n Aristophanes
in Ranis.
Natalis Co-
mes muthol.
lib. 8. cap. 8.

that is, infinite deuises : and withall euery head is the head of a serpent: which serpent ⁱ was more subtile (saith the scripture) then any beaste of the fielde which the Lord God had made. And therefore whereas it cannot bee rightly saide of vsurie, that it is an Arte, or Trade, or Occupation, or Science: to the ende that it may haue a name whereby to be knowne in laue, I suppose that we may with M. Smith fitly call it a ^k mysteric. Such a mysteric, and such an intricate practise it is, that as Iohn saith in the Reuelation, ¹ Christ will giue a name to him that ouercommeth, which no man knoweth, sauing he that receineth it: so may it be saide by allusion of the vsurer (though he be not worthe to bee compared to so good a thing,) that he handleth artes, and practiseth deuises, which no man can discern, but hee that vseth them: ^m Non puto quengquam scire artes vsurarum, nisi solos eos qui in illius praxi indies versantur: I doe not thinke (saith Aretius,) that any man knoweth thzoughlie the artes of vsurie, but onely those which are dailie conuersant in the practise of the same. And therefore as it is impossible for a man to picture that same Empusa, of whom it is saide in Aristophanes.

n πῶς τοὺς πάντας τοὺς γένους.
/ πῶς μὴ βῆς, καὶ δ' ὄρεται, πῶς δ' αὖτις.

She seemeth euery thing,

Now an oxe, now an asse, &c. Now one thing now another: euen so doe I suppose it to bee impossible in any perfection to describe this variable and changeable, (I meane this cloaked and couert kinde of vsurie.) For sometimes it seemeth to be buying, sometimes selling, sometimes letting, sometimes pawning, sometimes one thing, sometimes another: alwaies being vsurie, and yet neuer plainly appearing to be vsurie.

Now be it I must endenour to describe it: for I haue

Cloaked vsurie

is described.

haue promised so much, and this argument doth exact it at my hand. Yet this must I protest in this bould attempte, that I neither haue purpose to bee long, nor hope to accomplish any great exployte about it. For who coulde euer drawe a full and liuelle picture of Proteus that changeable sea God? Or what building can a man there erect and raise vp where the sande is so quicke, as hee can lay no foundation? Yet will I assay it: *Quid enim tentare nocebit?* That I may as it were at a backe windowe, let in some small glimmering light, which may giue occasion to others that are clearer of sight, and better at leasure to discerne more thzoughly into this intricate mysterie. And that which I doe, I will doe with this minde, not as taking delighte in beholding the face, or drawing the picture of so misshapen a monster: no more then the Poets affected the qualities of those Furies which they raised from hell vnto the stage. But with that minde wherewithall the holy Ghost hath recorded vnto vs ° the vnnaturalnes of Caine, & the crueltie of Lamech, & the couetousnesse of Nabal, & the furie of Saule, and such like wicked vices of vngodlie men: euen that their sinnes being displayed befoze our faces, they might bee the more loathsome to beholde, and so the more easilie auoyded.

o Gen.4.8.
p Gen.4.23.
q 1.Sam.25.
10.11.
r 1.Sam.16.
14.23.

The ground of this point, I deriue from that which I finde in Rainerius, Bromyard, & others of the schoolmen, who shew by diuers instances, how vsurie cloaketh it selfe vnder the pretence of buying and selling, of letting, of exchanging, &c. which are contrades approued by God, and by the practise of all good men. Therefore I doe thus define, this same *Palliatam vsuram*, This cloaked kind of vsurie. Couert vsurie, is lending for gaine, vnder the colour of some lawfull contracte.

Vsurie is often committed

in buying and selling.

And indæde if we will thozoughly examine the thing, whereas there are diuers lawfull kindes of bargain- ing, (as hath beene befoze declared) wee shall finde that vsurie is often committed vnder pretence and colour of them all.

[Rainer. Pan-
theol. part. 2.
tit. de Vsura.
cap. 7.
¶ Ibidem.

For first, in buying and selling men play the vsurers many wayes. As for example: ¶ A man buyeth corne yet in the fielde, (it may bee in the blade) for five shillings a coombe: and it is likely that in haruest, it will be worth twelue, or thirteene shillings a coombe: ¶ *Tunc usuram facit*, Then that man committeth vsurie. Of which very kinde almost are a great number of maulsters, and others among vs, which doe buy barley afoze hande for foure shillings a coombe, and at the time of their deliuerie, it is worth sixe shillings, or a noble: and so for bearing their money, and laying it out afoze hand, they gaine sixe shillings in twelue, tenne shillings in the pound: farre aboue the rate that the lawe admitteth in vsurie. And no doubt vnlesse this exception somewhat helpe them, ¶ *Probabiliter dubitatur utrum fructus illi plus vel minus valere debeant*: It is doubtfull, and vncertaine, whether at the time of the deliuerie the corne wilbe more or lesse worth: vnlesse I say this pointe will helpe them, that at the time of their buying, they are vncertaine whether the price of corne will rise or fall, befoze the time of deliuey: it seemeth a thing apparant to mee that such men come within the compasse of cloaked vsurie. Againe, I sell wares, I giue thre moneths day of payment, and for that I am to forbear my money so long, I sell aboue mine ordinarie price, and aboue a reasonable gaine: herein (no question) I commit vsurie. For I sell the time, and make gaine of lending. A note very necessarie to bee obserued of shoppe keepers, and occupiers: that they learne, not to disgrace their honest trades of
merchandise

¶ Ibidem.

Examples of vsurie

in buying and selling.

marchandise, by putting vpon the the dishonest cloake
of vsurie. Againe, * a man commeth to me to borrow
money: I answer I will lend him no money to vsury.
But if he will buy a horse, or a gelding for ten pound,
(which is scarce worth ten shillings) I will lend him so
much money, til such a time. So y price which he pay-
eth for the horse, more then he is worth, shall fully re-
compence the loane, and vsurie of the money. Such an
vsurer my selfe once knew in the world (if happily his
owne sonne doth reporte the truth of his father) who
was supposed to haue many hundreds out to vsurie at
once. All his olde hosen, and dublettes, and coates,
when they were past his owne wearing, proued vnto
him the richest part of his wardrobe. For a man could
not borrow a hundred pounde, but he must buy of him
an olde frise coate, or a cast doublet, or some such like
princely robe: and the price of it was not commonly
lesse the twentieth partes, or ten poundes, answerable
to the loane of the money which he lent forth. Againe,
I sell a comoditie for the price which the market
now goeth at, with this condition, that if it bee more
worth at the Easter, or Whitsontide following, I will
haue more for it: but if it proue lesse worth, I wil not
haue my former price abated. y *Talem (inquit Hostien-*
sis) indico usurarium: cum ipsum in pactis claudicare vi-
deam. Such an one (sayth Hostiensis) I iudge to be an v-
surer, because I see him to hault, and not to deale direct-
ly in bargaining. Againe, I come to a man, and desire
him to lend mee an hundred pounde vpon vsurie. Hee
answereth, he hath not so much readie money by him,
but to doe mee a pleasure hee will lend mee a hundred
poundes worth of plate to sell, and so to make money:
the plate perhaps being hardly worth the money. I
am no sooner gone out of the doze, but the vsurer prout-
deth a broaker to mee me, and to buy his plate of me
again.

x Io. Bromy-
ard. Summa.
predicant. tit.
de usura.

y Rainer. Pan.
Theol. part. 2.
tit. 8. q. 1. c. 7.

Vfurie cloaked vnder

pretence of letting.

again. Nowe for readie money perhaps I sell the plate for foure score pound. The broaker carieth back the plate to the owner, and from him bringeth foure score pounce in readie money to the borrower. The borrower must pay the lender an hundred pounce for his plate at the day appointed, and ten pounce for the vsurie in the meane season. So in fine, the poore man payeth loane after thirtie pound in the hundred, and yet must thinke himselfe befriended of the marchant. Thus and a thousand wayes more is vsurie committed vnder pretence and colour of buying and selling.

Vsurie is likewise cloaked, & commeth many times disguised in the forme and habite of letting. As thus: ^z I buy a Bullocke, or a Cow, of him that hath none to sell. And knowing that he hath none, I say to him, coming to borrow money: I doe here deliuer you so much money for such a beast. But now I will let you that beast for such a time, at this or that price. In this case (sayth Bromyard) *Vt Deum decipiant pecuniam animal vocant:* That they may deceiue God, they terme their money by the name of a liuing creature: and they take loane for lending of money, vnder pretence of letting a beast. Again, ^a one commeth to mee to borrowe money: I answere I will lende him no money, but cattell if hee please. Hee replyeth that hee hath no neede of cattell, but he must vse readie money. Why then (say I) take thus much money of me, buy with it thus many milch kine. At the yeres ende, pee shall giue mee thus much money for the hire of euerie Cow, and ye shall therewith restore to me the kine themselves, in that forme in which I deliuer them vnto you: that is (to deale plainely) in so much readie money. Here seemeth to be hiring of kine in the borrower, and letting of kine in the lender, and yet at the yeres ende all prooueth but thus much loane for the forbearing of so much money: and

^z Bromyard
*Summa prae-
dicant. tit. & sura.*

^a *Ibidem.*

Vsurie vnder pretence of letting.

Vsurie vnder pretence of free lending.

and so it is vsurie vnder pretence of letting. Againe, one commeth to me to borrow a hundred pound for seven yeeres. I answer that hee shall haue it with this condition: hee shall hyre of mee a house and certaine land, at such a yeerely rent, and hee shall take a lease of them for the space of seven yeeres. The house and land perhaps are hardly worth ten pound a yeere, yet I couenant to receiue twentie pound a yeere rent. So it commeth to passe, that the rent of the lease, payeth the loane of the money, euen tennie pound for the hundred, and vsurie is committed vnder pretence of letting. Or thus againe. A man commeth to mee to borrowe twentie pound. I answer, I cannot forbear so much to lend him: but I haue twentie pound in olde golde, or faire golde, which I am loth to forgoe, or to haue it changed: and to doe him a pleasure I will lend him that, to lay to pawne to another, and to borrowe so much money vpon. But withall for my kindnes, he shall giue mee twentie shillings for hauing my money to lay to pawne to another. This is neither of the two kinds of lending: it is neither mutuating, nor accommodating. Mutuating it is not, for hee doth not trans- ferre the dominion and propertie of his money to the borrower. Accommodating it is not, because his money goeth not free: therefore of necessitie it is letting, or vsurie, taken vnder pretence of letting.

As it is with letting, so it is also with lending: for vsurie is many times committed vnder pretence of free lending. As for example: ^b An occupier or shopkeeper will take all kind of gold that is brought vnto him for payment: as clipt Angels, light french Crownes, souldred Soueraignes, and such like. Prouided alwaies that he will not take them for payment, vntlesse hee haue recompence according to the want: for one six pence, for another a groate, for an other twelue

*b Lauater
comment. in E-
zech. 18. ho-
mil. 76.*

Vsurie vnder pretence

of free lending.

pence allowaunce, or more or lesse. Now this light gold, or souldred golde, or clipt gold, will hee keepe by him, and will lend it out freely to any man that desireth to borrow. All the recompence that he requireth, is no more then that which he lendeth out, viz. ten pounde for ten pound, twentie pound for twentie pound, that is, (as it seemeth) onely his owne againe. But when the day of payment commeth, where hee lent Angels that wanted sixe graines, and french crownes scarce worth five shillings: hee will bee paid againe with good, lawfull, and currant english money. So in every peece of gold which he lent, wil he gaine twelue pence, or sixe pence, or a groate, & yet seemeth to lend freely, & wout any consideration. Again, I come to an vsurer to borrow ten pound for a yeare. He answereth, hee cannot so long forbear his money: but to doe mee a pleasure he will lend me so much for a moneth. And he will lend it for so long *Gratis*, Freely: (hee meaneth indeede *Gratis* the Nowne, not *Gratis* the Aduerbe: *Gratis*, that is, *gratis hominibus*, To men which hee hopeth in their consideration and recompence will proue thankful.) All that he will require, is a bande for the repayment of his owne againe. But hee knoweth well enough, that it is an hundred to one that he which cometh to borrow tenne pound for a yeare, shall not bee like wotable to pay it againe within a moneth. Well yet this hee offereth freely, & the borrower being pent is glad to accept of any thing. Hee taketh the money, he entereth a band, the moneth is sone expired. Hee cannot prouide the money so speedily, for want of returne, and therefore the band is forfeited. Then will the vsurer pay himselfe his loane with the forfeiture of the band, it may be thise as much as the loane is worth: and yet make the poore borrower believe that hee doth much befriend him, in not taking the whole forfeiture:

confide.

Vsurie vnder shewe of exchange.

Vsurie in pawning.

considering that he brake day with him, who lent his money out of his purse freely, and without any consideration. Thus the poore man payeth thoroughly for his borrowing, and the vsurer is thoroughly satisfied for his lending.

From lending let vs passe on to exchanging: & we shall see that many times vnder shew of exchange, men commit vsurie. As for the purpose: I lend the value of a thousand florentines in siluer, and I couenant to receive for the a thousand florentines in gold: *Qui (ut fere fit) pluris estimantur* (saith Erasmus) which are more worth then they go for in siluer. *Annon manifeste committit usuram?* His opinion is, that such a mā doth manifestlie commit vsurie. Again, put the case that Angels go currant for an eleuen shillings in France, which are worth but ten shillings in England. I will lend a man a hundred Angels in England, vpon condition that he shall repay an hundred angels to my factour in France. In the one example there is but an exchange of coyne in an other kinde, in the other onely a commutation of place: yet in both, the lender taketh manifest increase for the forbearing of his money, and so committeth vsurie.

The last which I will adde shalbe laying to pawne, because the other contractes which remaine vnspectified, are not so commonly nor easily abused to this euill. Now vnder pretence of laying to pawne, vsurie is commonly and too commonly committed. As in this example. I lend twentie pound for a yeare, & for assurance of mine owne, I take a pawne worth fortie markes: with a bill of sale, that if hee sayle payment at the day appointed, his goods shall be mine. I know that at his time he is nothing like to pay it, and at his day he doth not pay it: for his default I lease vpon his pawne, and take it to mine owne vse. So I gaine twentie nobles

Vsurie full of

diuers shifts,

for the lending of twentie pound, which is apparant to be extrême and notozious vsurie.

d Virgil AE-
nead. 6.

e Natal. Co-
mes. mythol.
lib. 8. cap. 8.

No man must expect that I deliuer all the misteries of this secret knowledge. Had I an hundred tongues, or a marble memorie, or an infatigable industry, I could no more vtter, or recozd, or finde out, the innumerable deuices which vsurers haue to oppresse the poore: then he in the Poet^d could vtter the punishmets of hell where with the wicked were tormented of the Furies. Hesiod describing in the person of Periclimenus the nature of a couetous craftie man, who vsed all sleighes to enriche himselfe, and to beguile the poore (for so^e Natalis Comes doth expounde him,) hee saith, that sometimes he was like a fowle, sometimes like a Bée, sometimes like an ante, sometimes like a serpent: yea he addeth

——— *ἴσχε δὲ δούρα*
πυρροῖ, καὶ ὠκυμαστὶ.

So many shapes hee had, as no man can expresse. So may we say of vsurers: sometimes they appeare in one shape, sometimes in another, sometimes they take one course, sometimes another: yea they haue many a quillitie, and many a subiltie, which no writer that hath not been bounde twise seuen yeaes prentise to the trade, is able to disclose. To ende this poynte therefore, and to procéde to that which remaineth: Homer thus describeth Dolon the Troya, namely that

f Homer. Iliad.
10.

So Helius Ec-
banus transla-
tesh it from
the Greeke.

he was^f

*Vir locuples auri atque aris, sed prorsus inepta
Deformis facie, verum pernicious aptus
Et volucer pedibus, cursuque inuictus anhelato.*

A man very rich and swift of foote, but very deformed and euill fauoured. The seruice which he did was in y^e night. His armour was an helmet of a goates skinne upon his heade, and a breastplate of wolues skinne upon

Vsurers cunning.

Mental Vsurie.

vpō his body. His weapons were a bowe at his back, and a dart in his hand, and so he marcheth on to descry the Græcian armie. Nowe surely such men are these same *Dolosi Dolones*, these subtil and craftie vsurers: rich in their purses, deformed in their conditions: swift to lend for aduantage, more swift to take for any thing: so nimble, as no man can goe beyond them. They neuer practise but couertly, as it were in the darke. And no marueile, for their whole trade is the worke of darkenes. Amorous are they as goates in their wordes, but bloodie and cruell as wolues in their heartes: and with their deuices doe they shote, and dart throught the poore and needie people. Happy were the common weale, if they were serued like Dolon: namely, if some wise *Vlisses* would make search after them, and some valiant *Diomedes* would smite them to the earth, and strip them of their goods. So should the Græcian armie abide vntrayed: that is, (as I now expound it) so should the comminallty liue vnrobbed, and vnspoyled of their wealth: yea so should the poore reioyce, and those that are needie should be glad.

Thus far haue I spoken of that kind of vsurie, which is committed in facte, and betrayeth it selfe to the world by some outwarde action. Now it remaineth, that we intreate of that kind, which lurketh secretly in the heart, as it were a serpent in the bosome. We know that the lawes of God doe, as in other respects, so namely in this particular, differ and dissent from the lawes of earthly princes. Mens lawes can onely restraine the outward deedes, committed by the members of the bodie: but the lawes of God restraine the euillthoughts, and conceits, and intentions of the heart. Therefore the Psalmist said: *The lawe of the Lord is perfect, conuerting the soule:* (or as Tremelius readeth

3. Mental Vsurie.

3. Psal. 19.7.

Gods lawe restraineth

the intendement of euill.

deth it) *Restituens animam*, Restoring, or making vp againe, the decayed breaches of the soule. Now it could not restore the soule, if it could not worke vpon it: and it could not worke vpon it to restauration, vnlesse as a skillfull Chirurgion, it could search, and launch all the festered, and corrupted corners of the same. The lawe of God condemneth him for a murtherer, not onely which in deede runneth his neighbour through, but him also which hath the same purpose and intendment.

h1. *Sam.* 18. 11

And therefore was Saul a murtherer, ^h in casting his iaueling at Dauid, with a purpose to naye him to the wall: though Dauid by Gods prouidence auoyded the blowe, and escaped safe out of his presence. Again, the lawe of God condemneth him for an Adulterer, not onely who actuallie hath had vnlawfull copulation with a woman, but also him that doth intend and purpose it, yea who doth ⁱ but lust after a woman in his hart. Whereof Salomon censureth him ^k for a child, & a foole, that in the twie light walketh in the streets, and haunteth the harlots house, though as then he can haue but a purpose and intendment, to comitte vncleannes.

i *Math.* 5. 28.k *Pro.* 7. 7, 8, 9.

So is it also with the law of theft. He is not onely a robber that taketh away another mans goods with his handes, but hee also that intendeth that iniurie to his neighbour. Yea, if we will beleue S. Augustine, there is so much power and vertue, in the intencion and purpose wherewith a man goeth about the doing of a thing, that if it be good the action is good, if it be euill, the action is euill also. For thus he writeth speaking to the Manichees ^l *Quod quero à vobis quo fine faciatis?* I

l *August. de moribus Manichaeorum lib. 2. cap. 13. rom. 1.*

demaund of you (saith he) to what end ye abstaine from eating of flesh, and drinking of wine: *Finis enim quoreferuntur ea quae facimus, id est, propter quem faciamus quicquid facimus, si non solum inculpabilis sed etiam laudabilis fuerit, tunc demum etiam facta nostra laude aliqua digna sunt.*

Mental vsurie,

what it is.

sunt. For the ende whereunto those things are referred which we do, that is, for which *or* in consideration whereof we do whatsoeuer we do, if that be not onlie not to be blamed, but also be good and commendable, then are the things which we doe worthe of some praise and commendation. *Sin ille iure meritoque culpatur quem spectamus & intuemur, cum in aliquo versamur officio, id quoque officium nemo improbandum vituperandumque dubitauerit.* But if the ende which we respect and aime at, when we performe any dutie, be rightlie and worthelie to be blamed, then no man may doubt but that dutie *or* worke is also to be condemned. I am not now to dispute, how soundly all this is deliuered of S. Augustine: this I am sure may soundly be gathered from him, and affirmed with him, that there is so much bigor & power in our intentions, as that where those be euill, there the actions themselves canst be approued, no not though the things which are done be good, lawfull, and necessary in their owne nature.

Now, this is that which I would haue to be obserued concerning vsurie: namely that not only to covenant, and to compact for increase, but also to lend with Intent, and purpose, and hope, to receiue increase, that is euill & condemned by the word of God. This kinde learned writers are wont to call, *Mentalis usura*, vsurie of the minde: *or* vsurie committed in the intention of the minde. One saith to this purpose, *Committitur usura mentalis sine pacto, quando quis mutuat cum spe habendi aliquid pecunia appreciabile supra sortem.* Mental vsurie is committed without covenant, when a man lendeth with hope of receiuing somewhat that is moneys worth, aboue *or* besides the principall. And Gratian saith *Non solum quodcunque lucrum, sed etiam ipsa spes facit hominem usurarium, sicut spes facit hominem Simoniacum:* not onlie euerie gaine in lending, but also the very hope of gaine,

maketh

m Io. Molan. comp. theol. pract. tract. 2. cap. 26. consil. 2. sec. 8. n Barthol. Fumus Auris Armil. tit. 8. usura, sec. 37. o Gratian. decret. part. 2, caus. 14. Quast. 3.

The vsurer may

expect diuerse things.

2. Luc 6, 30. 31.

32. 33.

a Aret. Prob.

part. 1. loc. 50.

tit. de usura.

b Bucer. com.
in Psal. 15.c Rainer. Pan-
theol. part 2.
tit. de usura.
cap. 1.

turne or repaymēt of his owne principall againe. For he that so doth, lendeth not money or wares, but giueth money or wares vnto his neighbour. Now of frēe giuing Christ had spoken in p̄ verses^a going before: *Sed quod mox addit, dicitur, hoc est mutuum date, non de eadem specie iam loquitur, sed expresse de mutuo*: but that which he presentlie addeth, *Lend looking for nothing againe*, he speaketh not of the same kinde of contracting, namely of giuing, but expresse of lending to another. And the meaning of our Sauour Christ is in those words (*Lend, looking for nothing againe*) that men should not bee like the Scribes and Pharisees, who would onely benefite those which were able, or willing to benefite them againe, & from whom they looked for as great or greater commoditie: but that they should lend also to the poore and needie, yea and that *b Citra omnem spem gratia, aut parie beneficentie*: without any hope of fauour or of the like recompence againe. And therefore one sayd not amisse *c potest mutuans sperare tria*: hee that lendeth may hope or expect three things of the borrower. 1. *Mutui equalitatem*. 2. *ream actionem*. 3. *personalem subuentionem in articulo necessitatis*. The lender may expect, first that the borrower do repay the equall measure, or value of that which he lent him: secondly, he may expect that he may haue his action in law against the borrower; if his owne be not repayed: thirdly hee may expect, that the partie whom hee now releueth by lending will yeelde him againe personall reliefe in the time of his necessitie. Vnto which thre, I may also adde the fourth particular, and that is, the lender may lawfully expect the loue and good will of the borrower. For that hath he iustly deserued by his kindnesse: and besides loue is not a thing which can be valued for money: and therefore hee that expecteth loue cannot bee sayd to expect gainne from lending.

Provided

The lender may expect

loue: and no further.

Provided alwaies, that the lender doe not so expect the loue of the borrower, as that in the seeking thereof, he hath too farre a reach, and casteth his eyes vpon some gaine, or commoditie whereunto by the good will of him that borroweth, he hopeth to be preferred. As for the purpose. *¶ Si quis Papa, aut Principi mutuetur, ad captandam beneuolentiam: ut postea possit consequi beneficium, vel castrum, aut huiusmodi.* If a man will lende to the Pope, or to the Prince, to purchase their fauour, that being in fauour with them, hee might afterwards obtaine a benefice of the Pope, or a Castle, or Lordship of the Prince. This mans expectation of loue and fauour to such an ende and purpose, maketh him to become a Mental vsurer. *¶ Tunc enim esset spes lucri: & per consequens usura.* For there (sayth the Schooleman) is the hope of gaine seazing on his mind, and consequently, there is vsurie committed. But other wise, if a man without an ouerreaching head, doe onely expecte in lending, the procuring of the fauour, and friendship of the borrower: this hope can make him no vsurer, for the reason before exprest.

d G. Biel. in
quartum sent.
dist. 15. quest.
11. 4.

c Ibidem.

And so much for the first principal point of this treatise, namely for the defining or describing of those three kindes of vsurie, which are most usually practised among men in these dayes: together with the unfolding of the parts and branches of the same. Wherein I haue bene the longer: partly, because I held it exceeding necessary, to determine what that vsurie is against which wee are about to conclude: and partly, because I find that few writers haue largely, and thoroughly laboured in this point.

The second principal point: declaring that vsurie is vnlawfull, and that it is for many causes, and reasons worthely condemned by the worde of God.

Vsurie is condemned

in the scriptures.

Thus then I haue in some measure shewed what vsurie is: now it followeth, that I proue it to bee vnlawfull, and to bee plainely and iustly forbidden in the holy scriptures. In the handling of which point, I must of necessitie coniayne those three kindes of vsurie together, whereof I haue seuerally discoursed before: lest otherwise the treatise should growe infinite, and too tedious to the hearers. And indeede, well may they in this point be vnited and coupled together: because if the one of them be vnlawfull, it will follow that the other must needs be condemned. As for example: If to commit vsurie in acte, and to take vsurie in deede, be an vnlawfull thing, then is the intent, and purpose of taking vsurie, euill and vnlawfull also. For it is a sound, and certaine principle in diuinitie: *f Si finis illicita, & praua fuerit, ipsa quoque intentio erit mala.* If the end of the action, which a man ay meth at in doing thereof be euill, and vnlawfull, then must the intendment, and purposing of that action, be euill and vngodlie also. So, if Actuall vsurie be vnlawfull, then mentall vsurie is condemned. Againe, if open, and plaine dealing vsurie be vnlawful, the much more that which is cloaked and deceitefull. For S. Augustine saide well, *g Simulata equitas non est equitas, sed duplex iniquitas, quia & iniquitas est, & simulatio:* Fained or dissembled equitie, is no equitie, but a double iniquitie, because it hath in it both iniquitie and dissimulation. So if open vsurie bee vnlawfull, then cloaked vsurie is much more condemned. Therefore reprove one, and reprove all three, condemne one, and condemne all three kindes from the worde of God. Now it is manifest that the worde of God condemneth vsurie.

Moses saith: *h If thou lend money to my people, that is, to the poore with thee, thou shalt not bee as an awa-*

*f P. Martyr.
loc.com.clas.2.
loc.10.sect.1.*

*g August. in
Psal. 63.*

h Exod. 22.25.

Vsurie is condemned

in the scriptures

rer vnto him: yee shall not oppresse him with vsurie.

And againe: ⁱ If thy brother be impouerished, and fallen in decaye with thee, thou shalt relieue him, and as a stranger and sojourner so shall he liue with thee. Thou shalt take no vsurie of him nor vantage, but thou shalt feare thy God, that thy brother may liue with thee. i Leuit. 25. 35. 36.

And againe: ^k Thou shalt not giue to vsurie to thy brother: as vsurie of money, vsurie of meate, vsurie of any thing that is put to vsurie. k Deut. 23. 19.

Vnto a stranger thou maiest lend vpon vsurie, but thou shalt not lends vpon vsurie vnto thy brother, that the Lorde thy God may blesse thee in all that thou settest thy hand to, in the lande whither thou goest to possesse it. 20.

Yea, and the Psalmist questioning with God, as desirous to knowe, ⁱ Who shall dwell in his tabernacle, and who shall rest in his holy mountaine? i Psal. 135.

Among other properties belonging to a man that shoulde goe to heauen, hee nameth this for one, He that giueth not his money to vsurie.

And the Prophet Ezekiel, describing the wicked sonne of a godlie father, who should dye for the abomination that hee had done himselfe, and should not liue for the righteousness of his father: hee noteth this for one branch of wickednes, that should among others bring him to destruction ^m if he hath giuen forth vpon vsurie, or hath taken increase. m Ezech. 18. 13.

And in another place, the same Prophet displaying and reprobuing the transgressions of Ierusalem, he saith, ⁿ In thee haue they taken giftes to shedde blood, thou hast taken vsurie, and the increase, and thou hast defrauded thy neighbours by extortion, and hast forgotten me saith the Lord God. n Ezech. 22. 12.

The worde of God

condemneeth vsurie.

o *Psal 55. 11.*p *Basil. in.**Psal. 14.*q *Ambros. de*
*Tobia cap. 4.*r *August. in**Psal. 54.*s *Io. Iuel. in*1. *Thes. 4. 6.*t *Aret. loc. com.*

part. 1. loc. 50.

de *vsura.*u *Psal. 72. 14.*x *L. A.*y *Aret. Prob.*

part. 1. loc. 50.

tit. de *vsuris.*z *D. Wilson.*

fol. 21.

a *B. Iuel. epist.*
before *Wilsons*
vsurie.

I might alleage further to this purpose that which David hath, *Psal. 55.* Where complaining of the malice and crueltie of his enemies, he saith, *Non defecit de plateis eius usura & dolus*: Vsurie and deceite departeth not from their streetes. For so the olde Latine translation readeth it, and the græke interpreter hath *τινος καὶ δόλος*, Vsurie and deceipte. And so p *Basil.*, q *Ambrose*, r & *Augustine* among the fathers, and among the new wyters s *B. Iuel.*, and t *Aretius*, doe quote it to this purpose.

I might alleage also that which is written, *Psal. 72.* where Salomon describing the prosperitie and blessednes of his gouernement, (being therein a figure of Christ) among other benefites which by it should bee conueyed to the people, he noterh this for one, u *Ex vsurie & iniquitate redimet animas eorum*: Hec shall deliuer their soules from vsurie and iniquitie. For so the olde latine translation readeth it, and the græke hath *Εκ τίνος καὶ ἀδικίας*: And so latter diuines, both of our owne, and also of y other countries, haue vled and receiued it. But because the Hebrue worde which the holy ghost vseth in those places seemeth to bee somewhat more large, then that it can bee restrained necessarilie to the name of vsurie, and that which the olde translation readeth *usura*, vsurie, and *ex usura*, out of vsurie: that Pagnine and Tremelius translate *fraus*, deceite, and *à dolo*, from deceite: therefore I will not vge those places too farre for the confirmation of this argument. Neither in deede neede I, considering that other places which are alleadged, and may be alleadged in this behalfe, are as *D. Wilson* said, z *Manifest scriptures*: and as *B. Iuel* said, a *evident witnesses* to this purpose.

Unto the Scriptures, I thinke it not much amisse, next to adioyne the Oracle or Prophecie of Sibylla. Not as matching hir authoritie with the canonicall worde
of

Sybillas prophetic of

the vsurers condemnation.

of God, though the heathen calle her ^b *Sibyllam, quasi* ^b *Lactantius*
oracu beatorum (after the AEolian language) ^c *consilij de oraculis* ^{lib. 1. de falsa}
enuntiandis: because shee revealed (as they thought) ^{reliq cap 6.}
the will of the gods: For I doe rather reckon the Si-
byls in the number of those, which Saint Augustine cal-
leth ^c *Propheta non ipsius*: Prophets that were none of
Gods; or, none of Gods Prophets. Yet I suppose
that her testimonie is much to be regarded, because it
is holden euen of Christians, that shee spake: ^d *aff-*
latu quodam mirifica, By a meruailous kinde of inspirati-
on: yea, ^e *mirifico prepotentis numinis afflatu*, By the mer-
ueilous inspiration of some mightie God: for so Iusti-
nus Martyr doubted not to affirme. Now, she prophes-
ing of Christs comming to iudgement, and how at his
comming, all kinde of malefactours should bee gathe-
red befoze him: among others which were to bee con-
uented, and to bee condemned of him, shee reckoneth
the vsurers for one sorte of euill people. Her words be
these

^b *Lactantius*
lib. 1. de falsa
reliq cap 6.

^c *Augustin. lib.*
expositio epistol. ad

^d *Iustinus*
Martyr orat
ad gentiles.
tom. 1.
ibidem.

^f *Monument.*
patrum Sibyl-
lin. orac lib. 2.

^g *D. Wilson.*
fol. 33.

^h *Basil in Psal.*
tens: 14.

Then shall come befoze him (among murderers, ad-
dulterers, drunkards, and such like) the vsurers, which
heape vp increase vpon increase: they also in Sibyllas
iudgement shall be appoynted to destruction.

And surely it is no maruaile, though the worde of
God, and others speaking by an extraordinarie spirite,
haue forbidden and condemned vsurie. For, not to
stand vpon that which is of some other alleadged to
this purpose, namely that the vsurer selleth the time
and the ayre, and so is not onely contrarie to God, who
giueth those things freely vnto all, but also iniurious
vnto men, in taking money for those things which are
none of his owne: neither yet to stand vpon that
speech of S. Basile, ^h *Sine terra plantans, sine semine me-*

Vsurie ouerturneth the

nature of lending.

1. The first
reason a-
gainst vsury:
it ouer-
throweth
lending.

tens: The vsurer is such a kinde of husbandman who planteth hauing no ground, & reapeth hauing no seede: I say, not to stand vpon these, nor some other arguments which are vled of diuers wryters to this purpose: this is one speciall reason why God hath forbid- den vsurie in the word. Namely, that whereas lending is a great and a necessary duety of charitie, and such a duety, as without which no societie of men, can ei- ther long or well indure: vsurie is such a thing, as ouerturneth both: 1. The nature. 2. The equitie. 3. The vse of lending.

1. First, it ouerturneth the nature of lending: for vsurie lendeth for gaine, and lending in nature is free.

i Gratian de-
cret. part. 2.
caus. 14. quæst.
3.

i *Duo sunt contractus qui de natura sui gratuiti sunt, mutu- um & commodatum*: There be two kinds of contractes (sayth Gratian) which in their owne nature are free: mu- tuating for the one, and accommodating for the other: being both seuerall kindes of lending, as hath bene befoze expessed. And wee haue heard that lending is defined to be, k *Translatio domini nullo interposito pre- tio*: The transferring of the dominion, or proprietic of a thing to an other, without price or consideration. And who euer doubted that had common sence, but that the lawes concerning lending so often repeated in the scriptures, doe imploy *Officium gratuitum*, An office freely, and of mere kindnes, and without recom- pence to bee performed to our brethren? Therefore

k Heming.
com in. Iac. 5

l Brentius com.
in Leuit. 15.

Brentius sayd truly, l *In mutuo exigit lex natura, ut præ- ter sortem nihil accipias*: In lending, the lawe of nature requireth that thou receiue nothing again more then the principall. And Chemnitius sayth, m *Quando mutuan- paciscitur aliquid ultra sortem, hoc fit contra naturam con- tractus mutui*. When he that lendeth, couenanteth to re- ceiue againe more then the principall, this is done or this he doth contrarie to the nature of lending. Whereof it

m Chemnit.
loc. com. tit. de
paupertate
c. 1. 6. tom. 2.

Vsurie is against the nature

and equitie of lending.

is that Vrsinus ^q iustly reckoneth vsurie among the corruptions which creepe into lawfull contrages. And Selneccerus sayth, ^o *Mutilationem esse officium & liberalem contractum*: That lending is a duction which of right wee owe to men, and a contract liberall and free in the owne nature: *Et depravari vsuris*: And that it is depraved, or corrupted by vsurie. As indeed it must, of necessitie bee corrupted by vsurie, considering that lending is free in nature, and the vsurer lendeth for gaine. Therfore euen as he which first deuised ^p the breeding of Mules, conioyned those kindes which nature had seuered, and ^q God had forbidden to be mingled: and by that mixture of his, brought forth but a beast, which though it be of some vse vnto men, yet it is but a corruption and monster in nature: euen so, hee that first coupled gaine vnto lending, hath vntied those thinges which reason & common sence haue seuered a sunder, and hath brought forth by his deuice but ^r An ouglie beast, yea ^s A monster in nature, ^t yea a swelling monster: howsoever in this unkindly and unnaturall age of the world, it bee by supposition reputed profitable vnto men. For lending is free in nature, and therefore vsurie ouerturneth the nature of lending.

^u Secondly, as vsurie ouerturneth the nature, so both it also the equitie of lending. What equitie is to bee obserued betwene the lender, and the borrower may best appeare by the lawe of God: for ^v The iudgements of the Lord are truth, yea, they are righteous altogether. Now Gods law concerning lending was this: ^w If a man borrow ought of his neighbour, and it be hurt, or else die, the owner thereof not being by, he shall surely make it good. Now against the equitie of this lawe, the vsurer offendeth diuerse and sundry waies: For if the wordes bee well marked, wee shall see that in lending God provided onely that the lender should be no loser:

^q Vrsinus
Compend. doct.
Christ. part. 3.
in precept. 8.
^o Selneccerus
instit. Christ.
rel. part. 2. pag.
615.

^p Gen. 36. 24.

^q Leuit. 19. 19.

^r Aristot. Polit.
lib. 7.

^s Io. Iuel. in 1.

^t Thess. 4. 6.

^u Suidas in A-
ristoph. de nu-
bibus.

^v psal. 19. 9.

^w Exod. 22. 14.

The vsurer obserueth not

Gods lawe of lending.

See more of
these points
in G. Ba-
bington.
quest and
answers
on the com-
mandemēt.
pag. 363.
and in
Io. Knew-
stubs. Lect. 8.
in Exod. 20.

for the borrower was but to make good y^e which he had receiued. But the vsurer will be sure not onely to saue his owne, but also will covenant and contract, at the least wise he will purpose within himselfe to be a gainer. Againe, the law of God did repose the hazard, and aduenture of the thing which was lent, vpon y^e head of the lender: so as if his goods perished in the borrowers hande, he the owner thereof being by, seeing it, and taking knowledge thereof, the borrower was not bounde to make it good. But the vsurer will neuer aduenture the principall, sincke hee, or swimme hee that borroweth, lose he neuer so much, and bee his casualtie neuer so apparant: yet the vsurer will bee sure at the least to receiue his owne, if not wth great advantage. Againe, the law of God did bind the borrower to no more but only to make good the things which perished, or decayed, or waxed the worse by the vsage. For hee sayth, *If it be hurt or die, hee shall surely make it good.* But the vsurer will gaine by the lending of that which either decayeth not at all in the vse, as money and coyne, or if it do decay, may bee restored full as good, as corne, wine, oyle, and such like marchandise. Againe, the lawe of God requited the friendship and good will of the lender no better, nor with no more then the receiuing of his owne againe. Now the vsurer will professe that he lendeth for good will, and that if you were not his speciall friend, hee would not forbeare his goods: and yet will hee bee requited with a great deale more then his owne againe. So deare and precious a thing is an vsurers friendship. So that if there bee any equitie in the lawe which God made for lending, then certainly there is no equitie but much iniquitie and vnrightheousnes in vsurie.

3. Thirdly as vsurie doth ouerthrow the nature and equitie, so doth it also cut downe, and abandon the
vse

Free lending is

ouerthrowne by vsurie.

vse and practise of lending. Euidēt and lamentable experience teacheth, that whereas in the dayes of our forefathers, when vsurie was counted a deadly sinne, a poore man, or a young occupper might easily borrow of a rich man xl. s. or twentie nobles freely, and pay it againe at conuenient leysure: now since men made no conscience of this euill, a man cannot borrow five shillings, no not xii. pence for a weeke, but hee must pay an egge for vsurie. Therefore B. Iuel sayd truly, y That vsurie is a thing which hardneth the hart. And another as truly, ² *Fœnus interficit misericordiam*: vsurie cutteth the throat of mercy and compassion. S. Iames complatneth of the couetuous men of his time that ^a *their riches corrupted*, and *their gold and siluer cankered*. From whence a learned man yet liuing among vs coniectureth not vnprobably, that the people of that time hated and detested vsurie. For had they not hated vsurie, though of vnmercifulnes they would giue nothing, no nor lend freely to the poore: yet ^b *S. fœneratorias artes adhibere voluissent, facile aurum atque æs sum ab æruginē vindicassent*: If they would haue lent forth to vsurie, they might easilie haue preserved their gold and siluer from rust and corruption. And this wisdom (if it bee wisdom) the men of our time haue sounded to the depth. For though they will neither giue of almes, nor lend of loue: yet by putting forth their whole stocke to vsurie, they well inough prouide that their money rusteth not in their cofers. So vsurie is succeeded into the place of lending. Let this then be the conclusion of the first argument. Sith lending is a dutie so often commaunded of God, and so profitable (yea necessarie) vnto men, and vsurie is a practise which ouerturneth the nature, the equitie, and the vse of lending: no maruella though God hath so often forbidden and condemned it in holy Scriptures.

7 Jo. Iuel in.
1. The. 4. 6.

2 Hugo Cardinalis in Psal.

15.
a Iam. 5. 2. 3.

b L. A.

Vsurie ouerthroweth Christes

rule of loue.

2. The second old To proceede from this vnto another argument. Vsurie is iustly condemned in the word, as that which gainst vsury: is directly opposite, and as it were a sworne professed enemy to Christian charitie. Loue and charitie hath a wonderfull prayse set vpon it by the holy Ghost; So Paul saith, *Loue is the fulfilling of the law.* And againe,

c Rom. 13. 10.

d 1. Tim. 1. 5.

e Galat. 3. 14.

f Cicer. de Or. 4.

g Math. 7. 12.

h D. Wilson.

fol. 175.

i Zach. Vrsinus

sop. doc. Christ.

part. 3. in pra-

cept. 8.

A. J. d

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The ende of the commandement is loue. And againe,

All the law is fulfilled in one word, which is this, thou shalt

loue thy neighbour as thy selfe. That as he said of Promu-

riation in an Orator; so we may say of loue in a Chri-

stian: the first, the second, the third point of the law;

the beginning, the middle, the ending of all duties to

men, is loue to wardes our neighbour. Now the squire

and rule of this loue, our Sauigour Christ deliuereth to be

this: whatsoeuer ye would that men should do to you, euen

so doe ye to them: for this is the law and the Prophetes.

Which rule and squire of loue, as the vsurer seldome

respecteth, so doth he neuer obserue. For tell me thou

that demandest increase of another, if thou hast occa-

sion to borrow thy selfe, wouldest thou rather giue in-

terest, then receiue freely and for naught: experience

denieth it: reason is against it. Who would not rather

trauaile without a burthen vpon his backe, then with a

burthen? or who would not haue the sweete and auoyde

the sower? euen so, who has not rather haue goods giue

then sold, lent the let vnto him: wouldest thou so: tho

if thou in thy need wouldest borrow freely, & yet wilt

not led to another man but vpon increase: y doest not to

him, as thou wouldest be done vnto thy self, & therfore

obseruest not the law of charitie. That if (as Vrsinus

saith) the questions arising about vsurie may be determi-

ned by this spech, or generall rule, Quod tibi non vis

fieri alteri ne feceris: doe not to another that which thou

wouldest not haue done vnto thy selfe: then may it easi-

ly be concluded what is to be thought and iudged con-

cerning

Vsurie is against charitie.

The vsurer saith he would borrow so.

cerning this case of vsurie: namely, that it will not, nor cannot stand with the generall rule of charitie. And therefoze B. Iuel sayd, ^k *Charitas Christiana non foeneratur*: Christian charitie putteth not forth to vsurie. And M. Beza saith that which is moze, ^{tho} *Foenerari prohibet Christiana charitas*: Christian charitie forbiddeth men to take vsurie. But the Cardinall sayd that which is most of all, ^m *usura directe opponitur charitati*: vsurie is directlie opposite vnto charitie. Yea, and Hemingius saith plainely and directly to this point, ⁿ *stabilita usura eueritur charitatis norma, quam Deus eternam esse vult*: establish or allowe vsurie, and the rule of loue is quite ouerthrowen: which rule God would haue to abide and remaine for euer. Conclude we then in this manner. Loue is the very summe and substance of the law: but the vsurer ouerturneth the generall rule of loue, (foz he doth not to another, as himselfe would be done vnto:) ergo he and his practises, are wortheilie condemned in the word of God.

^k Humfred, in Vita Iuel pag. 232.
^l T. Beza annot. in Matth. 19.8.
^m in Hugo Cardinalis in Psal. 15.
ⁿ Heming. Co. in Lam. 3.

But me thinks I heare some vsurer or other, whispering with himselfe, and replying in this manner against that which hath beene spoken. Why sir: I doe as I would bee done vnto. Foz if I were in want my selfe, I would bee glad to take vp money for tenne in the hundred, or to giue a greater price to haue wares with halfe yeres day of payment: yea and take him for my friend too which so would deale by mee. To which obiection of theirs, I answer diuers and sundry waies. First, I say with Chemnitius, ^o *Simulatus praetextus est*: This pretence which the vsurer maketh, that he would be glad in his need to borrow vpon increase, is fained, and false, and counterfeite. *Nemo enim est qui non mallet gratuito mutuo subleuari in egestate*: For there is no man (sayth he) which had not rather be relieved in his necessitie by free lending, then by taking vpon vsu-

^o Chemnit. loc. com. scilicet 2. tit. de paupertate cap. 6.

Doe as thou wouldest be done to,

how it is to be expounded.

p Math. 7. 12.
q Gualter. hom.
mil. 61. in Luc.
6.

r Ibidem: E
Brentius hom.
59. in Luc. 6.

s Mich. Cope.
com. in Pro. 28.
8.

t Erasmi. Sarce-
rius schol. in
Luc. 6.

ric. And where shall you almost finde an vsurer, who
if his owne money bee abroad, will very readily bor-
rowe money or wares vpon vsurie, to relieue his pre-
sent necessitie: Secondly, I say that as touching that
speech of our Sauour Christ, p *Whatsoeuer ye would that
men should doe to you, euen so doe to them: q Ante omnia
inquirendum erit, ad quam hominis voluntatem lex ista ex-
tendi debeat.* It is first of all (or principally) to bee confi-
dered, vnto what kind of will in a man, that law or speech
of Christ, is to be extended. For in all thinges, and in
all respectes, it is euident that this rule holdeth not:
Doe as thou wouldest be done vnto. If it did, then would
it followe, that the magistrate must of loue spare the
conuicted malefact or, because if hee were in the male-
factours case, he would be glad to be spared and pardo-
ned himselfe. And then y couetous man should be bound
by the law of loue, to giue all his goodes vnto another,
because his gripple mind is such, as he would willingly
another man should giue all that he hath vnto him.
And a number of such absurdities would follow, if the
rule were generall, and without exception, *Doe as thou
wouldest be done vnto.* This rule therefore of loue pre-
scribed vnto men, *r Debet ad eam voluntatem restringi
que non pugnat cum equitate, & legibus natura.* Must be re-
strained to such a will, as is not repugnant to equitie, and
the lawe of nature. Looke what a man willet to bee
done to himselfe (of a minde well governed by loue, and
looke what a man willet to himselfe, *s scilicet à natura,*
by the motion and instinct of nature: that let him yeelde
in the like case to another: for *t that is the law and the Pro-
phets.* Now alas, whē a man is dwtur into a straight by
an vnnaturall necessitie, how can his will well follow
the light of nature: And when his will is so tossed vp
and do wne, as that he is compelled to will that, which
if he were his owne man he would not, pea and misli-
keth

Charitie must not be led

by a distempered will.

heth vtterly that which of necessitie he willet: how can his will be saide to be moderated with equitie and reason? And when his straightnes & erigent compelleth him to reach out his hand to vnlawfull meanes, and so to forget both God, himselfe, and his neighbour: how can that minde bee saide to bee well gouerned by loue? Therefore from such a will so straitned, so degenerating from kinde, and so farre from loue, to prescribe a rule, vnto free kindenes and loue: hath neither grounde from the worde of God, neither is it agreeable to common wisdom and reason among men. Thirdly, I answer to this obiection of the vsurer: say that thou wouldest be glad in thy necessitie to borrow vpon vsurie of another: yet this will of thine is not simple nor free, but thou wishest and willest so to doe, onely to auoyde a further danger. As the Marriner tossed with an extreame tempest vpon the sea, to auoyde vtter shipwrack casteth his goods and fraught not vnwillingly ouer the board: which not withstanding, he would not willingly haue done, but to escape the losse of his life that was moze deere vnto him. Now these and the like are called *mixta actiones*, mingled actions: done partly voluntarily, and willingly, partly inuoluntarily and vnwillingly. A man would not do such a thing simply if he were at his free choyse, yet he will doe such a thing to auoyde a greater euill. So that to will, & not to wil, do after a sorte concur in one and the same action. But now the meaning of Christs rule is: whatsoeuer we would willingly and cheerefully, that others should doe to vs, following the light of nature, and ordering our mindes by loue: that the lawe of charitie bindeth vs to yelde, and to performe to others. And therefore that pretence of doing as wee would bee done vnto, is but an apzon of figge

figge leaues too slenderlie sowed together, and not a-
ble throughe to shroude from sight the vsurers vn-
charitable shame. Hee doth not as hee woulde bee
done vnto, and therefore fulfilleth not (nay hee o-
uerturneth) the lawe of charitie: and consequen-
tie hee and his practises are wortheilie condemned in
the holy Scriptures.

The ende of the third Sermon pre-
ached Maij. 7. 1593.

The

aboo anas rionas fo

quing dham raly d T



The fourth Sermon: the special contentes whereof are these.

Two other reasons are alleadged against usurie: viz. that
1. It ouerturneth equalitie, and euenhoode in bargai-
ning: because that,

1. It demandeth consideration for that which is
none of the usurers owne.

2. It demandeth two recompences, for one intire
thing.

By reason of which inequality, it commeth
to passe that usurie is so commonly the
ouerthrowe, both of

Private families.

2. Publike estates and common
weales.

3. It is a sinne which the usurers practise, against the
light of their owne consciences, and so against the
lawe of nature, which ruleth in the same.



Here is yet a further euil incident
into usurie, and that is, that it ou-
erturneth euenhoode, and equa-
litie in dealing, betwene man and
man, and therefore in that respect
also is it iustly forbidden in the
word of God. Now that it ouer-

turneth equitie and euenhoode, the Schoolemen haue
shew'd by these reasons. 1. First, the usurer

3. The third
reason a-
gainst vsury,
it ouertur-
neth equali-
tie.

a Scotus in 4.
distin. 18.

quest. 2.

G. B.

et in

quantum sent.

dist. 15. quest.

II art. 1 d.

eman-
ding

The vsurer maketh gaine

of another mans goods.

ding increase for that which hee lent: seeketh gaine of that, which for the time is another mans, and none of his owne. For by lending, hee did transierre the dominion and propertie of his owne goods, into another mans hands: so as, not he which did lend, but he which did borrowe, is for the covenanted time of lending, Lord and owner thereof. If therefore the lender demaunde increase for the time which he lent, he seeketh gaine of that which for the time was none of his owne. Now, to require gaine of that which is another mans, is a very vniust and vnequall demaunde. And therefore saide one not of the meanest Ciwillians:

b Vna est ratio principalis quare in mutuo usura est prohibita, quia ille qui recipit mutuum, si aliquid solueret ultra, solueret de re sua, vel propter rem suam: This is one principall reason, why vsurie is forbidden in lending, because if hee that borroweth, should pay anything more then that which he receiued: hee should pay it of his owne goods, or for his owne goods: for as much as in deede, the lender hath made them the borrowers for the appointed season. And this is also the reason which Melancthon vseth to this purpose. *c Pugnans usura cum equalitate, vsurie (saith he) fighteth with equalitie.* And why? His reason followeth, *Nemo debet lucrari ex alieno: Accipiens usuras lucratur de alieno: quia mutuatio transtulit dominium. Non est igitur iustum lucrum.* Equalitie saith: No man ought to make gaine of another mans goods. But he that taketh vsurie, maketh gaine of that which is another mans: because the lending hath transferred the dominion of the goods from the lender to the borrower. Therefore it is no iust nor equall gaine.

Why: but sir (will the vsurer object,) graunte that by lending I do make my goods for the time to become another mans: yet why may I not iustly demaunde gaine and increase of the borrower, even in this consideration

b Barthol. Capol. tract. cautelarum caut.
125.

c Melancthon lib. definit. appellat.

The vsurer lending, must

take no consideration.

deration onely: Namely, because I am contented for the time, to put out of mine owne hand into his, the dominion and proprietie of my goods: I answer: that if thou sellest any thing to another man, thou maiest so doe in deede. The nature of that contract permit- teth thee to take consideration, for the making ouer and alienation of thy goods vnto another: but thou in putting forth to vsurie, doest exercise onely the con- tract of lending. Now lending is *translatio dominiij nullo interposito pretio*: a transferring of the dominion of a thing, from one man to another, without any price, or consideration, as hath been before declared. If then thou takest consideration, thou lendest not: but be- cause thou professest to lend, therefore for translation of the proprietie thou must craue no consideration. Lactantius describing diuerse particular dueties to bee exercised of a christian man, among others he nameth this for one. *Pecunia, si quam crediderit, non accipiat u-* d Lactant. de *saram*: If he lende any money, let him take no vsurie for *vero cultu. lib.* it. And why: Marke his reasons: *Vt & beneficium sit* 6 cap. 18. *incolumē quod succurrit necessitati, & abstineat se prorsus alieno* Partly, that it may bee a meere or iustire good turne, which relieueth necessitie: and partly, that hee which lendeth may wholie abstaine, from taking of that which is another mans. And he addeth further, *In hac enim genere officij, debet suo esse contentus, quem o-* porreat alia ne proprio quidem parcere, ut bonum faciat: plus autem accipere quam dederit iniustum est. For in this kinde of dutie (he meaneth, in lending) he that lendeth must bee content with his owne, who at othertimes must not spare his owne goods, but willingly part with them to do good. Now to receiue more then he lent, is an vniust, or vnequall thing. Out of which speech of Lactantius, these poyntes may fitlie, and profitablie bee obserued. First, he that lendeth to relieue necessitie must yelde

Vsurie taketh two recompences

Sum gain for one thing.

Beneficium incolume, a free good turne: *Ergo*, hee must take no consideration. Secondly, his lending must be free, least he seaze vpon another mans goods. Thirdly, because he that taketh increase by lending, seazeth vpon that which is none of his owne, therefore hee doth that which is vnequall and vniust. So that, from him it may be gathered, that to make thy goods another mans by lending, and then to demaunde gaine of that which thy selfe hast made none of thine, is a very vniust and vreasonable thing.

A second reason, by which the schoolemen do shew the inequality, and want of euēhoode committed in vsurie, is this. They say (and it is true,) that vsurie is committed onely in that kinde of lending, which is called *mutuum* or mutation: And mutation is onely of such things, as consist in number, waight, and measure. Now it is euident that in such things as passe from man to man by number, or waight, or measure, the vse of them cannot be seuered from the proprietie, nor the proprietie from the vse: but they must of necessity passe together without diuision, or seperation. As for example, (that the simplest may vnderstand me.) I cannot lend a man money, or corne, or oyle, or such like things, but I must make them fully his, to doe with them what he will: if I do not, hee cannot make no vse of them, nor receiue benefite by them. So as he cannot haue the vse of them, vntill hee haue the proprietie: and what shall he do with the proprietie for a time, vntill hee may haue the vse of them also? Well then: if I lend money, and so with the money the vse of it, as one entire thing (because the vse cannot be seuered from the proprietie) and I demaunde againe not onely money, which of necessity buygeth vse with it, but also more money for the vse of my money: I demaunde two things for one, & seuerall things, for them which cannot

Conviction of Vsurie.

93

Vsurie taketh two recompences

for one thing.

cannot be severed. And this is the reason of Thomas Aquinas against vsurie, which hee maketh plaine by this example. ^c If a man would sell wine seuerallie, and by it selfe, and would withall, sell the vse of that wine seuerallie, & by it selfe: he should sell the same thing twice, or should sell that which is not: and so hee should manifestlie offende in iniustice. *Et simili ratione iniustitia committit, qui mutuat vinum, aut triticum, petens sibi duas recompensationes: unam quidem restitutionem equalis rei, aliam vero pretium usus, quod usura dicitur.* By the like reason, hee committeth iniustice or inequalitie, which lendeth wine, or wheate, to another, and demaundeth two recompences for the same: one for the thing it selfe, another for consideration of the vse. Which second consideration, or recompence taken for the vse of such a thing, is that which is called vsurie.

*c Tho. Aquin.
22^a. quest. 78.
art. 1.*

Now it is true, that the vsurers doe object in their owne defense (as Chemnitius also hath obserued,) that they doe not sell twice ouer the goods, or principall it selfe, but they sell *Realem utilitatem*, a reall commoditie, *Qua creditori abest, & debitori adest*: which the creditor wanteth for the time that he lendeth, and the debtor enioieth for the time that he borroweth. Well: graunt that to be so, (for indeede who will borrow any thing, but in respect of the reall commoditie which it is supposed to cary with it?) Yet by that reason, a man may take two prices for many things that are sold. As for the purpose. I sell a man Bullion gold. Now gold besides the mettall it selfe which is precious, yea and besides the benefite which ariseth from it being coynded, in buying and selling &c. it hath also this reall commoditie, that it is profitable many waies to Physicke, and to health, as a very soueraigne & cordiall thing. Shall I therefore take one price for the gold it selfe, and another for the vse, or benefite, or reall commoditie of

*Chemnit. l. 1. c. 1.
de paupertate.
Cap. 6.*

Usurie ouerthroweth equalitie:

which is the rule of vertue.

gold: what were this, but to sell one thing twise, and to take two prices for one commoditie, and so to commit a monstrous inequality?

g Aristot. Polit. lib. 1.

h L. Humfred. in Vita Iuelli. pag. 224.
i Hemingius com. in Lac. 5.

k Anno. 3. Henrici. 7. cap. 5. & Anno. 11. Henrici. 7. cap. 3.
l Melancthon. lib. definit. appellat.

m P. Fagius epist. ante Chald. Paraphrast. tom. 1.

Therefore, to returne to the purpose, Aristotle who saw much into matters of common societie, sayd that By usurie was taken away, *medium & norma aut regula omnium virtutum*: the measure and squire and rule of all vertues: namely Arithmetically proportion, whereby equall things are equally recompensed, which rule the vsurer obserueth not, because he demaundeth two considerations for one and the same thing. Whereof it is that B. Iuel sayd, *h usura mutatio iniqua est*: usurie is a kinde of vnequall exchanging, or bargaining. And Hemingius saith, *i Manifeste inaequalitatem parit*: to take gaine for lending, breedeth a manifest inequality. And the States assembled in our English Parliament concluded, that *k* It is contrary to the law of naturall iustice. *Ac res ostendit* (saith Melancthon) *l propter hanc inaequalitatem exhauriri magnam partem hominum, eamque ob causam saepe seditiones in Imperijs ortas esse*: experience it selfe teacheth, that by reason of this inequality which is committed in making gaine of lending, a number of men are consumed, and for that cause many seditions, rebellions, and tumults, doe often arise in kingdomes and common weales. Nowe I would haue men thoroughly to obserue this speech of Melancthon, as that which I meane to make y foundation of many things now to be deliuered. And well may I lay his iudgement for a foundation, because *m* his writings testifie, that he was in his time *maximum & singulare decus literarum*: a great and singular ornament of learning, as P. Fagius hath truly reported of him. That speech of his deliuereth two pointes of great waight, and worthe of our deepe consideration. Namely that whereas by the equality which is in other contractes, as in buying,

Vsurie consumeth

private families.

ing, in selling, in letting, in exchanging and such like, men doe usually grow wealthy, in their private families, yea and the publique estate of the common weale is supported and maintained: it cometh to passe by the inequality which is in this corrupt contract of vsurie, that 1. private families are commonly impoverished, and 2. common weales are usually disturbed.

And first to speake of the want and straitnes which vsurie begetteth in private families: wee have an evident example therof in the holy scriptures. The people complaine in the dayes of Nehemiah, that by reason of the burdens (of vsurie, for so Pagnine translateth it verl. 7.) which the richer sorte did impose vpon them, their children were brought into bondage, their lands and vineyardes were gaged to other men, And there was no power in their handes, that is, (as Tremellius wel expoundeth it,) ° They had no substance or abilitie to redeme them home againe. So dyd they were they drawen, and so low were they brought by borrowing vpon vsurie. The prophet Amos complaineth bitterly of the oppressors of his time, & how they did swallow up the poore, and make the needie of the land to faile: how they sought to buy the poor: for siluer, and the needie for shoes: to bee their seruants, for so ¶ Vatablus doth apply it. Which extremities, as they are common to all covetous men: so (sayth Gualter) *Observabis ista usurarius & faeneratoribus porissimum obijci*: Observe that these thinges are principally objected, and layd to the charge of vsurers, & those that lend for increase. Which is as if he should say, that they play of all others the principall acte of this tragedie, and that they are the men especially, which swallowe up the poore, and bring the needie into bondage. Ambrose also complaineth of the iniquitie of his time in this behalfe: *Vidi ego miserabile spectaculum*, I have scene (sayth he) a miserable sight,

n Nehem. 5.2.
3.4.5.

o Tremell. annot. in Nehem. 5.5.

p Amos 3.4.6.

q Vatablus annot. in Amos 3.6.

r Gualther hom. 27 in Amos 8.

s Ambros. lib. de Tobia. ca. 8.

Vsurie destroyeth families.

Vsurie destroyeth families.

*c Aret. loc. coms.
part. 1. loc. 50.
de Vsuris.*

*u Bernhard
Syluest. de cura
rei familiaris.*

x Cicero offic. 2.

*Ambros. de To-
bia cap. 14.*

*y Leo magnus
Ser. 6. de ieiunio
decimi mensis
cap. 3.*

*z Io. North-
brooke, the
poore mans
garden.*

*a Chrysost. in
Mat. 5.*

*b Baldus conf.
449.*

or spectacle in my time. *Liberos pro paterno debito in
auktionem deduci, & teneri calamitatis heredes, qui non
essent participes successionis.* I haue seene children set forth
to sale to pay the fathers debt which accrewed by vsury,
(for of that hee speaketh in that place,) and so they be-
came heires of their fathers calamitie, who were not suc-
ceeders to their inheritance. What should I say more?
the Emperour Severus: allowed the taking of foure
in the hundred, *Cum nonnullos fœnoris causa agro paterno
exutos intellexisset:* Because he saw that many by vsurie
wasted away all their fathers lands. And if forreine ex-
amples wanted abroad, yet how pitifull, and howe
manifold are our instances at home, of noble mens
sonnes by vsurie decaying their houses, of Marchant
men by vsurie wasting their stocks, of husbandmen
by vsurie compelled to sell their crops afozehand halfe
for naught: that nothing is more true then is that say-
ing of Melancthon, namely that a number of men are
consumed and drawen dry by vsurie. Which consump-
tion of so many, could not so vsually, and commonly
be effected by this trade: if there were not a maruei-
lous inequality, euen in the contracte and manner of
bargaining used in the same.

Hereof it is that Bernhard called vsurie *u Venenum*
patrimony. The poyson of a mans patrimony, or inheri-
tance: that Cato sayd, *x Fœnari est hominem occidere,*
To lend to vsurie was to kill a man: that Leo sayd *y Fœ-
nus pecunia, funus est anima:* that is as one interpreteth
it, *z* The death of life: because that vsurie is as it were a
poyson to the life, & a moth to the goodes of men. Here-
of it is also that Chrysostome compared vsurie to *a* the
stinging of the serpent Aspis, which casteth a man in-
to a certaine kinde of pleasant and delightfull sleepe:
but in the sleepe hee dyeth away without recovery.
That the great lawyer *b* compared it to the worme

Tere-

Vsurie consumeth

rich and wasteth wealth.

Teredo, whereof Plinie maketh mention in his naturall historie: which is as soft as silke in the feeling of the hand, but biteth so hard with the teeth, that it eateth the strongest timber. For indeede such a thing is vsurie: it seemeth for the present to benefit and refresh, but in the end, it will deuoure and consume. And such a man is an vsurer, soft in his wordes, and faire in his promises: but by his deedes he stingeth to death, and wasteth the greatest substance. Hereof further it is, that Plutarch compareth the vsurers to the *Vulcures* and *Rauens* that will picke the guts out of a mans belly: and that *Alphonfus* the king of Arragon compared them to the *Harpies*, that deuoured the *Troians* vintners: *Vltiore labores mortalium depascentes*: As those that do eate vp the frutes of other mens labours. Hereof also *Caelius Secundus* calleth vsurie *Tabempestiferam*: A deadly or contagious ague. And fitly for by it poore men are cast into many a shaking fitte, and at last are pyered to the bones. Yea the Pope himselfe (who doth not easily condemne sinne and iniquitie) compareth vsurie vnto a Gulfe or whirlepoole, which doth deuoure soules, and vtterly wasteth wealth. These, and the like, (of which kind I meete with diuerse in reading of this argument) are hard speeches, and hard comparisons (I confesse,) and such as might make an honest minded man to loath the practise, yea the very name of vsurie. Yet thus haue wise men, and learned men, spoken and written of it, because they haue obserued by experience, that (as *B. Iuell* sayd) Vsurie consumeth the rich, eateth vp the poore, maketh bankrupts, vndermineth househoulds, and (as before was deliuered out of *Me- lancthon*) draweth downe hundreds, yea thousands of people in the world, and is the vtter destruction of infinite families. Which destruction of private families, I am perswaded that men of all ages and places could

c *Plin. nat. hist. lib. 11. cap. 2. & lib. 16. cap. 41.*

d *Plutarch lib. de non fanerando.*

e *Virgil. Aeneas ad. 3.*

f *Licost. Apotheg. tit. & sure.*

g *Caelius Secundus lect. antiquar. lib. 12. cap. 20.*

h *Sextus decretalium. D. Wilson fol. 92.*

i *Io. Iuel. Ser. in 1. Thess. 4. 6.*

making of a
- and sh. d. m. p.
- and m. d. m. p.
- & q. d. d.

The vsurer obiecteth that

many haue gained by vsurie.

neuer haue obserued, so vsually and ordinarily to arise from vsurie, more then from buying, selling, letting, exchanging, and such like contracts: if there were not a marvellous inequality, and want of euenhood, in the very practise of vsurie.

But now, vpon this I know the vsurer is ready to reply, that many haue gained greatly by borrowing vpon vsurie. And he will not sticke to giue instances of some, who by this meanes haue recovered their houses and landes which lay to mortgage, like to bee lost: and of some maistrs who at the first began with little stocke of their owne, but by vsing money taken vp in this order, haue growne very wealthie. Yea, and I lent money to such a man, and such a man, (saith he) and he brought my money againe at the day with many thanks, & professed that he gained greatly by me. And how then is this such a monstrous decap to private families, as you haue before reported? Now, to this I may make answer diuerse and sundry wayes: first, I doubt not but some mē may gaine by taking vpon vsurie: for they may light on a match which shall yelde them treble increase. So may a man gaine that ouerbuyeth his wares, or ouerbireth his farne or ouer exchange his horse: he may happen on such gaine in selling the same wares, or letting the same farne, or exchanging the same horse againe, as shall yeld double or treble recompence, for the harme of his former bargaine. But that excuseth not the unrighteousnesse of the first seller, letter, or exchanger: no more doth this, the iniquitie of the vsurer. So that a man may say in this case of him that borroweth, as Leo sayd of him that lendeth, *Quilibet sequatur euentus, mala semper est ratio fauerantis*: what euent soeuer betyde him that borroweth vpon vsurie, gaine he or gaine hee not, the course of lending forth vpon vsurie is euill and vngodly.

k Leo primus
serm. 6. de ieiunio
decimi mensis.
cap. 3.

Though vsurie benefite some,

that iustifieth it not.

ungodly. Secondly, I say, that though one, or two, or some few haue gained by taking vpon vsurie: yet *One swallow maketh not summer*, neither can a few gayners, argue this trade to be commodious. S. Basile doth notably answer the vsurers obiection in this behalfe.

Multi (inquies) ex faenore diuites facti sunt. Plures ob hoc magis puto laqueos attigerunt. Thou wilt say vnto me, that *Basile.com.in P/al. 14.*

many haue growen rich by vsurie. But I answer (saith hee) that I suppose more by that meanes haue come to hāg themselues, or haue bene brought to the galowes.

Nō, in diuites factos respicis, eos verò qui desperauerunt, animumque desponderunt non numeras: thou lookest to those and repeatest those that haue growne rich by vsurie: but thou namest not those which haue growne desperate and faint harted, and haue come to their end by vsurie. D. Wilson hath a prettie historie to this purpose,

not vnworthie the remembzng. A man comming *m D Wilson. fol. 189.*

into a certaine Church, and seeing it fraught full of Images made of ware, demaunded what might bee the cause of such an vnwonted sight: answer was made, that those whom these Images did represent were certaine persons which on a time were saued from drowning, by calling vpon our Lady. Nay then (quoth hee againe,) where bee the Images of those (I pray you) that called vpon our Lady, and were drowned notwithstanding? so say I in this case. If any man will set before me the instances, and as it were the Images of those, who toke vp money on vsurie, and grew rich thereby: I would demaunde on the other side that hee shew forth the hundreds, and thousands of those, who by that meanes haue vtterly impouerished, and ouerthrowen their owne estate. They will be founde a million for one: yea to bee without all comparison.

Thirdly, I answer to that obiection of theirs (*viz.* many haue growne riche by taking goodes vpon vsurie,)

If one gaine by

usurie, many lose

n Hemingius
com. in Lac. 5.

with that saying of Hemingius, in whom some of the sup-
pose to be a patron to their practise. *Nihil boni per se
ex usura esse potest, sed potius malorum pelagus:* there can
no good arise from usurie of it selfe, but rather a maine
sea of euill. *Verum si quid fortuito boni, ex usuris prouenire
videtur, id nequaquam usuris, sed mutationi tribuendum
est:* If by chance (saith hee) there seeme any commoditie
to arise from usurie, that is not to bee ascribed to the len-
ding vpon usurie, but to the lending which is in usurie. If
a man gaine by borrowing vpon usurie, it is because he
borrowed, not because he borrowed for increase. Bor-
rowing yeldeth a benefite: but borrowing for usurie
is that which abateth the height, and greatnesse of the
benefite. Fourthly, and lastly, I answer to this
pointe, that to make him gaine who taketh vpon usu-
rie, many must of necessitie lose and be bindzed. For
he that dealeth by money taken vpon usurie, if he will
gaine, must vse the more craft & subtiltie in his trade:

o L. Humfred.
in Vita Iuelli.
pag. 221.

and besides that, *o Cogitur merces suas antea plus ven-
dere, & populus cogitur eas plus emere,* he is compelled to
sell his wares, and the people are compelled to buy his
wares at a higher and greater price. Therefore S.

p Idē. pag. 262.

Chrysostome sayd well, *p Fœneratorem communem esse
hostem omnium,* that the vsurer is a common enemy to
all the common weale. Now then what is this, but
euen to saue a sticke, and burne a house, to saue a ioynt
and lose the body, to helpe one and spoyle a thousand:
and this is the best effect of some mens gaining by usu-
rie. Therefore sayd Bodine well, *q Nulla est tenuius
subleuandorum via compendiosior, quam omne gentis fœno-
ris ex lege diuina prohibere:* there is no more compendi-
ous or ready way, to ease the poore and needie: then to
forbid all kinde of usurie, according to the law of God.

q Bodinus de
repub lib. 5.
cap. 2.

Well then: if we proceede on from priuate fami-
lies, to whole common weales, we shall see that usurie
hath

vsurie ouerthroweth

common weales.

hath decayed whole cities, and prouinces and king-
domes. The Romaines giue testimonie to this, who
neuer began to decay, till vsurie lorded amongst them. 1 D. Wilson in
epist.
The Germanes giue testimonie to this, who before
they knew what vsurie ment, *Sese soli auderent Roma-
nis opponere*: they durst oppose themselves by themselves 1 Aret. Prob.
part. 1. l. c. 50.
tit. de Vsuris.
against the Romaines. *Hodie in delicijs, & are alieno, &
gloriam bellicam & germanicam integritatem amiserunt*:
now wasting themselves by delight and vsurie, they
haue lost both their warlike valure, and the Germane sin-
ceritie. According as Luther complained of it in his time:
Detestanda auaritia, & usura funditus eam corruerunt, 1 Luther. de
taxanda Vsu-
ra tom. 7.
& euerterunt: Detestable couetousnesse, and vsurie, haue
whollie corrupted, and ouerthrowne it. Againe. The
Egyptians giue testimonie to this. *Omnis Agyptus* 1 Alex. ab A-
lex. lib. 1. cap. 7.
scenore obruta: saith Alexander ab Alexandria: All E-
gypt is ouerwhelmed with vsurie. The Spaniards giue
testimonie to this, who are sayd to lose their gaine x D. Wilson
fol. 180.
which they gather among the Indians, by the vsu-
rie which vpon their returne they bargain to paye
vnto the Genowaies. Pea England hath in former
ages giuen testimonie to this: for rioters haue bene
raised in the land, & against the Iewes, and many hun-
dreds of them slaine, for the vsurie which they exacted
of the Christians. What should I say more? Cornelius
Tacitus speaketh thus of the estate of Rome. *Sane* 2 Sane
2 Cornel. Ta-
cit. annal. lib. 6.
vetus urbi scenebre malum, & seditionum discordiarumque
creberrima causa: vsurie is an ancient euill to the Citie
and a most vsuall cause of discorde and sedition. S. Hie-
rome saith. *In cunctis urbibus seditionis causa vel ma-* a Hierom. con-
in Es. 3. 5. 6.
xima est: It is a speciall cause of sedition in all Cities. Po-
meranus saith (as Marlorer doth alleage him,) *vitau-* b vita-
b In 1. Tim. 3.
da est usura, tanquam presentissimum & ecclesia, & reipu- 3.
blica venenum. vsurie is to bee auoided, as a strong poi-
son both to Church and common weale. In word & all

All common welth men

doe condemne vsurie,

men almost do agree in this, that it is the confusion of countreys, and the bale of common weales. Now I demaunde whence possibly it can be, that whole countreys and cities, should be so vsually, and so generally ouerturned by vsurie: but euen from the vnrasonablenesse, inequalitie, want of euenhoode, and want of due proportion committed in the very maner of the contracting it selfe?

And therefore, wee finde that the great common wealth men of all ages, though they knewe, and sawe evidently, how without diuerse kindes of bargaining and contracting, societie among men could not possibly be maintained: yet they haue alwaies prohibited, and condemned vsurie, as a thing carrying with it so great inequalitie, that it, and the publique good, could not well stand together. ^c Plato banished vsurie out of his common wealth. ^d Lycurgus draue all the vsurers out of Sparta. ^e Agis burnt all the vsurers bookes in Athens: which fact Agefilaus beholding, saide that hee neuer sawe *Clarius lumen*, or (as Northbrooke reporteth it) ^f *Puriorem ignem*, a more cleare, or excellent, or purer fier: for indeede, it purified the cittie of a masse of corruptions. ^g Solon tooke away the vsurers bookes and gaines, and brought in *novas tabulas*, new lawes, or statutes, which are saide in græke to bee *μισαλγία*, because they eased the people of an intolerable burthen. And if from the Grecians, we will passe ouer to the Latines, Appian saith, that ^h The auncient Romans abhorred vsurie, euen as did the Grecians. And Cornelius Tacitus saith of it, ⁱ *Cobibebatur antiquis, & minus corruptis moribus*: It was restrained in auncient times, when manners were lesse corrupted among them. And the reason why they abhorred vsurie (saith Appian) was this, ^k Because it was a trafique, very burdensome to the poore, and a thing that ministred matter of strife and enmitie. Wee

reade

^c Plato. de leg. lib. 5.

^d Aret. Prob. part. 1. loc. 50. de vsuris.

^e Ibidem.

^f Io. Northbrooke poore mans garden.

^g D. Wilson. in epist.

^h Appian. Alexand. Rom hist. de bello. ciuil lib. 1.

ⁱ Cornel Tacit. annal. lib. 6.

^k Appian. lib. 1.

Romaines misliked vsurie.

All nations mislike vsurie.

reade further cōcerning the histories of the Romaines, that ¹Caro freed all Sicilia of vsurie. ^mGenitius the Tribune made a decreē against vsurie. ⁿJulius Cæsar tooke order that creditours should be payed, *deducta summa aris alieni, si quid usura nomine numeratum, aut praescriptum fuisset*: deducting that summe of money out of the debte, which did arise or growe due for vsurie. And if from the Latines, we will proceede to take a view of other nations: we shall see, that they also have condemned vsurie. ^oThe Persians liked it not, *Vt non aliena a fraude & mendacio*: as a thing which they thought carried with it lying and deceipt. The Indians liked it not, ^p*Indi ad usuram pecuniam non locant*: the Indians put forth no money to vsurie. The Frenchmen liked it not. ^qS. Lewis the King of Fraunce, returning home from Damcarā, & a citie in AEgypt, sometimes called Memphis, Commaunded all vsurers, Iewes, Disers, or gamesters, and blasphemers of God, to depart, out of his kingdome. The Englishmen neuer liked it: though sometimes they haue tolerated it, to auoyde a greater inconuenience. Before the conquest King Edgar, and Saint Edward (as they called him:) since the conquest, King Edward the first, and diuerse others: and of late memorie King Edward the sixth, did quite and cleane banish it out of the lande, as after shall appeare. In a worde, Not onelie the lawe of God, *verum etiam sapientissimi quique legistatores, & Philosophi* (saith Bodine,) but also all wise lawgiuers, and Philosophers haue viterlie condemned vsurie. Now (to make an ende at length) shall we thinke, that men of all ages, countries, and languages, who haue been so prouident to plante, and to continue the estate of common wealths: and who by their prouidence, haue in their times raised their countries, and kingdomes, vnto a wonderful and glorious estate: haue all voted with a generall consent,

and

¹ Aret. prob
part. 1, loc. 50.
de vsuris.
^m Luther. de
taxand. & sur.
rom. 7.

ⁿ C. Suetonius.
Iul. Cæsar. cap.
42.
^o Appian. rom.
hist. de bel. ci-
uili. lib. 1.

^p AElianus
Var. hist. lib. 4.
cap. 1
^q Cent. 13. cap.
7.

^q Io. Boemus
Aubanus de ri-
tibus gentium.
lib. 1. cap. 5.

^r D. Wilson.
fol. 64.

^s Bodinus de
repub. lib. 5.
cap. 2.

The vsurer obiecteth that

onely extreme vsurie consumeth.

and bene vtterly deceiued in this one case of vsurie: or shall we not rather thinke, that these men saw in reason a marueilous inconueniēce, arising from this kind of bargaining, which inferred a destruction vpon their gouernement and countrey: which if men in carnall reason did finde out by experience, no marueile though God who is the planter, preseruer, and approuer of comon weales, hath wholly forbidden it in the word.

I might now procede to another argument, but that me thinkes I heare the vsurer thus replying against that which hath bene last deliuered. It is true indeed (will some men say,) vsurie is able to ouerthrow, and somtimes (I confesse) it hath ouerthrowen whole families, yea whole countreys, and kingdomes: but that is immoderate, extreme, oppressing, griping, and byting vsurie. So as hence it followeth not, that this should bee ascribed as an ordinarie effect to every degree, and measure of vsurie. To which I answer, that it is true indeede, vsurie the lesse it is, the lesse it burtheth: the greater it is, the sooner it consumeth. As poison the weaker it is, the longer nature resisteth it: and the stronger it is, the sooner it killeth. And as a burden the heavier it is, the faster it wearieth, but a light burthen (saith the Prouerbe,) will proue heavy with farre carpage: so is it with vsurie, the greater, and the smaller, both eate and consume, but the first in the shorter, the last in the longer continuance. But let vs examine from experience (which is the foundation of wisdom,) if the measure, and moderating of vsurie, be able to make it commodious to a state: And if in the greatest moderation that can bee made of so bad a practise, it haue not proued the decay of families, and common wealthes, as haue bene before expressed. We read that Iulianian ordeined by his decree, that noble men might let for foure in the hundred, marchants for

cight

Vsurie hath beene moderated:

and yet hath hurt.

eight in the hundred, Adventurers for twelue in the hundred, all other common persons for sixe in the hundred. Long before Iustinian: u Alexander Seuerus rated vsurie at foure in the hundred. Long before him, Antonius Pius the Emperour: did himselfe lette money for fouer in the hundred: *Ut plurimos adiunxerat*, that hee might relieue many: and by his practise, as it were pull downe the higher price of vsurie. Long before them all, y V. Publicula, M. Rutilius, Hortensius the dictator, and others moderated vsurie in Rome. z Lucullus restrained the vsurers in Asia: And Tullie in Sicilia. Dea when the Romanes were in their flourishing estate, b they decreed by their tables, that no man should take aboue one ounce (that is one pound) in the hundred. *Dein, rogatione tribunitia ad Semuntias redacta*: Afterwards, at the intreatie of the tribunes, it was allowed to an ounce and an halfe, that is, thirtie shillings in the hundred. But yet for all that, *Postremo uerita usura* (sayth Tacitus:) they sawe the inconuenience of that moderated vsurie, to proue so great, that at the last all vsurie was forbidden: that is, c *Sublatum omne foenus*, All kinde of vsurie was cleane taken away: for so Liphius in his annotations doth expound him. And yet, as the world goeth now, one and an halfe in the hundred, is but a very meane and reasonable rate. And as it was among the Romanes, so haue we had a tast of it in this realme of England. In the daies of Henrie the eight, d vsurie was tolerated to tenne in the hundred: and these Alcyon daies of Queene Elizabeth, e haue permitted it in the one case of Orphanes. Thus princes haue from time to time done f that, which onely they could doe: and that is this, *Favoris modum certum constituunt*. They prescribe a certaine measure, and set as it were certaine bounds, and listps to vsurie. But haue they beene able

u Aret. Prob. part. 1. loc. 50. tit. de vsuris. x *Ibidem*.

y Luther de Taxand. vsura tom. 7.

z Aret. Prob. part. 1. loc. 50. tit. de vsuris.

a Cicero epist. ad Atticum lib. 5. epist. 20.

b Cornel. Tacit. annal. lib. 6.

c Inst. Liphius annot. in Cornel. Tacit.

d Anno 37.

e Anno 13.

f Beza annot. in Mat. 12. 8.

Vsurie ouerthroweth common weales.

Vsurie to be generally forbidden.

by this moderation of ten, or eight, or six, or foure, or three, or one in the hundred, to prevent the decay, and subuersion of the comminalltie: *¶* *¶* We see the Empire of Rome, is at this day rather a shadowe and a name, then in deede and in trueth, an estate of authoritie. And for our selues, let vs obserue, if since the repealing of King Edwards statute, the number of poore haue not increased in euery towne, if the prices of all thinges haue not risen, if the wealth of the countrie be not growen into few mens hands, if the vsurers trade be not at this day the only gaine of England. And therefore although I wil not take vpon me to censure the estate nor statute now in force, (for I know that pollicie must tolerate those things which cannot bee abolished:) yet I doubt not, but I may say as D. Wilson hath sayd before me, & I like King Edwards statute best of all: As that which cometh nearest to the word of God, and therefore carrieth with it the most hope of blessing to a christian common weale. In which regard may that truely be spoken of Bodine, *h Turini est usurarum non modo radices, sed etiam fibras omnes amputare: neque id reipublica, nec corporibus ullis, aut collegijs, vlla utilitatis, aut pietatis specie permittere.* It is the safest way to cut off (or to pull vp) not only the greater rootes, but also all the small strings of vsurie: and not to permit it to the common weale, or any corporations, or colleges, vnder any pretence of commoditie, or godlines. Let then (at length) the conclusion of this third argument be this. Bullinger sayth, *i Damnatur usura in Scripturis, quatenus coniungitur cum iniquitate, & perniciet proximi.* Vsurie is condemned in the scriptures, so farre as it carrieth with it vnrighteousnes, and hurt to a mans neighbour. Now of that nature and qualitie is all vsurie. It carrieth vnrighteousnes with it, by reason of the inequality in bargaining. For what can be more vnrighteous

g D. Wilson.
fol. 69.

h Bodin. de re-
pub. lib. 3. ca. 2.

i Bullinger. de
ead. 3. serm. 1.

Vsurie is against

the lawe of nature.

teous, then for a man to exact gaine for that which is none of his owne: or to take two recompences for one and the same thing: yea, I may adde the third reason, to those two of the scholemen. What can bee more vnrightheous in bargaining, then for the one partie to take all the paines, and the other none: for the one partie to beare all the hazard, and the other none: and yet he that taketh no paines, and beareth no hazard to be certaine of a sufficient increase, when the other is sure of none: by reason of which vnrightheousnes and inequalitye in this kind of contracting, we see how vscally and ordinarily families are decayed, & kingdomes ouerthrowen. And therefore no maruaile if God whose prouidence watcheth ouer euery kingdome, yea ouer euery familie in the world, hath so euidently and so expressly condemned it in the word.

The fourth, and the last argument which I meane to vse against vsurie, shalbe drawn from the vsurers themselves. For this is not the least that can be sayd against it, namely that it is a practise which is iudged and condemned in the vsurers owne conscience. And that may appeare by diuerse and sundry reasons. First, they will not willingly be knowne to be vsurers: no some of them will protest and sweare deepe-ly that they are no vsurers. And that they may not bee knowne to bee such as they are, they will either lende very closely, requirring faithfull secrecie of the borrower: or they will colour their lending vpon vsurie, with the pretence of some lawfull contracte, or they will when they haue couenanted for gaine, take certaine notes, or (as I may cal them) certaine letters pattens, consigned with the borrowers hand, in which he shal make it knowne to all men by those presents, that the vsurer hath lent him freely, and without any motion

4. The fourth reason against vsurie: it is contrarie to the lawe of nature.

Vsurers are convicted

in their owne consciences.

of increase. Secondly, that their owne consciences doe condemne them in their profession, may appeare by this also: namely, that though they bee knowne, and reputed to bee common vsurers, yet they take it a great disgrace to bee so called and tearmed of others. Yea, and whereas other men haue names and titles giuen them from their trades, by which they are commonly written, and distinguished: as, such a man marchant, mercer, grocer, taylor, cordiner, and such like: there is none of this trade, but doth both in speaking, and writing, disdaine (nay abhorre) the name and title of an vsurer. Thirdly, that in their consciences they finde this to bee no lawfull practise, may appeare, in that they dare not call a spade, a spade, nor vsurie, vsurie. But whereas we are wont to say in our common and grosser speech, such a man, or such a man taketh vsurie: they say in somewhat a finer phrase, hee taketh vsance, or he taketh interest, or he taketh consideration: as being indeede ashamed of the direct name of vsurie. Now what doth the seeking of such couerts argue, but that themselves in themselves are condemned for their dealing. That euen as S. Paul sayd of an heretique, that hee ^k *Sinneth being damned of his owne selfe*, because ^l with an euil conscience or against his conscience, hee sinneth willingly, and of set purpose, (for so M. Caluine speaketh vpon that place :) so I am afraid it may bee sayd of a number of them, that in their sinning, they are condemned of themselves: because willingly and willingly, they follow a practise, contrary to the checke, and touch, and light of their owne conscience.

Now let vs a little consider what this conscience is, which thus checketh them, and casteth shame vpon them in their doing. The learned writers both ^m olde, and ⁿ new, haue called conscience, *Forum*, A court, or

iudge

offi. 1.
dispositiue
-my things
-hoc 211: con
pds or phan
k Titus 3. 11.
-210 3. 11. Val
l Calvin Com.
in Titus 3. 11.

m Philo.
Gregor. Theol.
estantur a lo.
Langio. in Iust.
Martyrem. de
Vita christiana
tom. 3.
n Calvin instit.
lib. 4. cap. 10.
sect. 3.

Conscience, what.

Law of nature, what

iudgement seate, and *Consistorium*. A consistorie : be-
 cause in it men are conuented, accused, examined, ac-
 quited, or condemned, as befoze the iudgement seate of
 the magistrate, or consistorie of the church. Where-
 foze the Apostle speaking of the heathen sayth, that
Their consciences doe beare witnes to them, & their thoughts
doe accuse, or excuse one an other. Wea, to pzoceede fur-
 ther, Basile calleth conscience, *Naturale indicatorium*,
 The naturall iudgement seate, or the iudgement seate of
 nature : because (as I take it) the lawe which passeth
 and ruleth in this courte for currant, is not onely the
 written woꝛde of God, where it is knowne and recei-
 ued, but also the lawe of nature, which (as the Apostle
 sayth) is *Written in their hearts.* Well then: the vsu-
 rers consciences doe accuse and conuict them. And what
 are their consciences? iudgement seates erected of God
 in their heartes, in which the lawe of nature doth rule
 and pzonounce sentence vpon them. And what is this
 lawe of nature? Bullinger sayd, *Est dictamen conscrip-
 tae, adeoque directio quadam, ab ipso Deo hominum animis*
& cordibus insita, admonens quid vel faciant, vel omittant.
 The lawe of nature is the verdict of the conscience, and
 a certaine direction of God himselfe, ingrauen in the
 mindes of men, teaching them what to doe, and what to
 omit. The great Schooleman sayth, it is *Participa-
 tio legis aeternae, in rationali creatura*: The participation
 of the eternall lawe of God, in the reasonable creature.
 Others say it is, *Sententia communis, cui omnes homi-
 nes pariter assentimur, atque adeo quam Deus in sculpfit cu-
 iusque animo, ad formandos mores accommodatam.* The
 lawe of nature, is the common rule whereunto we all as-
 sent, & which God hath ingrauen in every mans minde,
 for the direction of his life. From al which sayings, this
 one thing may certainly be concluded, namely, that
 the law of nature is the woꝛke and instinct of God: as

○ Rom. 2. 13.

p Basil. in
princip. Pro-
uerb. citatur à
Tho. Aquin.
Summa part. 1.
quaest. 79. art.
13.

q *Rom.* 2. 15.

r Bullinger.
Decad. 2. ser. 1.

(Tho. Aquin.
12^e quest 98.
art. 2.

*et Musculus loc.
com tit. de legi-
bus cap. 3.*

Vsurie against nature,

in what sence,

u *Idem.*

Musculus also proueth by these argumentes. ^u First, because it approueth good, and condemneth euill. Secondly, because it is not attained by learning, and art. Thirdly, because it is agreeable to the written worde. Well then: I inferre thus much vpon the premises. The lawe of nature is put into vs of God, and this lawe of nature is the squire of the conscience: and the conscience of the vsurer condemneth him of euill: *Ergo*, he and his practises are condemned of the lawe of nature, which by the instinct of GOD ruleth in his heart. Now if it be condemned of the lawe of nature: no maruaile though it bee forbidden in the written worde. For what difference is there betwene the lawe of nature, and the written worde, but this, that the latter is as it were a termination, and specification of the former: and the one was written in tables of stone, but the other is ingrauen in the heartes of men?

And in this sence no doubt, that may truely be affirmed which I meete withall in the writings of many learned men, and which it seemeth they haue all draue from Aristotles fountaine: namely that vsurie is ^x *Contra legem naturæ*, contrarie to the lawe of nature. Not so much because it is against nature, for money to begette money, (in which sence one saide that vsurie was ^y *Sodomia naturæ*, a kinde of Sodomie in nature:) but because it doth contrarie the verdict of the conscience, and so by consequent the lawe of nature, which ruleth in the same. And that it is contrarie to the lawe of nature may further appeare: because not onely the gentiles ^z who doe deriue all their streames of vertue from that lawe of nature, haue condemned it in their writings: but also, because diuerse christians which are ignorant of the worde in this case, or knowing it, doe either despise it or make exception against it: are notwithstanding from the light of nature flushing in their

x *Aristot.**Polit. lib. 1. cap.*

10.

y *Hugo Cardinalis in Psal.*

15.

z *Io. Wigan-*
dus. Syntagma
part 1. colum.

45.

The conclusion of

the foure arguments.

their consciences, compelled to hang downe their heads at the very naming of vsurie.

Let this then bee the conclusion of the second parte of this treatise: seeing that vsurie querthoweth the nature, and equitie, and vse of lending: seeing it ouerturneth charitie, and the rule of charitie, doe as thou wouldest be done vnto: seeing it carrieth with it so much inequalitye, as it is by that meanes the vsuall ouerthrowe of priuate families and publique estates: lastly, seeing it is by the light of nature iudged, and condemned for euill in the vsurers owne conscience: no maruaile though the word of God haue so manifestly, and so often forbidden it as a wicked, and vnrigh- teous practise.

The ende of the fourth Sermon pre-
ached Iunij 4. 1593.



The



**The fift Sermon: beginning the
third principall and generall poynte
of this treatise.**

For this Sermon handleth the special obiections, which
are wont to bee made out of the places of Scripture
before alleadged, for the defence of some kinde of
vsurie.

As nametly that:

1. The lawes that condemne vsurie in the worde are on-
ly iudiciall, not morall.
2. The lawes of vsurie haue receiued exception.
3. They forbid onely lending vpon vsurie to the poore.
4. They condemne onely biting vsurie.

Vnto which obiections diuerse answers are seueral-
ly made in this Sermon.



There is no Scripture so eu-
dent, but it hath been, or may
bee misconstrued: neither is
there any trueth, so cleare and
bright, whereupon the inuen-
tion of man may not cast some
cloudie darkenes. That ne-
uer appeared more evidently,
in any one thing, then in this
case of vsurie. For although those places of Moses, be-
fore alleadged, out of the booke of Exodus, Leuiticus,
and

The morall lawe is bounded

with equitie and humanitie.

and Deuteronomie, be as plaine, as plaine may be, and such against which, antiquitie neuer tooke exception: Yet are there euen out of those scriptures, obiections made, and reasons deuised, for the approbation of some kinde, and measure of vsurie. As for the purpose.

Obiect. 1. First, it is objected, that the lawe of Moses concerning vsurie, is politicall onely: *Ergo, illa non tenemur, ultra quam equitas ferat, & humanitas*: therefore wee are not bound vnto it, further then equitie, and humanitie permitteth.

1. The first obiection in defence of vsurie: the lawe of Moses is onely politicall.
a Caluin epist. resp. de vsuris.

Answer. To which obiection, I answer: first, that this is a very causeless *Ergo*, an inference, & Illation, made without cause: the lawe is politicall: *Ergo*, we are not further bounde vnto it, then equitie, and humanitie will beare. For, although those lawes of Moses be acknowledged, and confessed to be morall, yet euen then, they binde vs no further, then equitie, and humanitie will permit: the morall lawe, being in it selfe, the paterne, and squire of all equitie, and humanitie among men. And that may appeare, by other precepts, and commaundements of Moses, of which no man euer doubted, but they were branches, and members of the morall lawe: and yet they binde vs no further, then equitie, and humanitie doe require. As for example, this is a

branch of the morall lawe: *b Thou shalt rise vp before the hoare head, and honour the person of the olde man*: and yet, a prince that is a childe, is not by this lawe bounde to rise vp, or to stoop downe, to an olde man, that is a beggar. Why so? *Equitas non fert, & humanitas*: Equitie, and humanitie will not beare it. Again, this is a branch of the morall lawe: *c Thou shalt take no gift, for the gift blindeth the wise, and peruerteth the wordes of the righteous*. And yet, is it not simple vnlawfull, for a

b Leuit. 19. 32

c Exod. 23. 8.

Magistrate, to take a gift of a stranger, or of a neere
neigh

Most learned men hold the

Lawes of vsurie for morall

d Pro. 25. 21.

neighbour, which hath no cause like to come before him, or of him, whose cause hee hath dispatched, with speede and righteous fauour. And why? *Equitas fert, & humanitas*: equitie and humanitie will permit it. Again, this is a branch of the morall lawe: *¶ If hee, that hateth thee, be hungrie, giue him breade to eate, and if he be thirstie, giue him water to drinke.* But now, what if mine ennemie, be also a malicious professed ennemie to God? What if my liberalitie, bee like to minister felwell to his malice? What if I cannot both feede him, and my selfe, or my familie? then, am I not bounde, to ease and relieue him. Why? *Equitas non fert, & humanitas*: Equitie and humanitie, will not beare it. So then, this is a very causeles, and vnnecessarie inference: the lawe of Moses is politicall: therefore we are not bounde vnto it, further then equitie, and humanitie will permit. For, though the lawe of Moses, concerning vsurie, be confessed to be morall: yet must equitie, and humanitie, prescribe boundes, and limites thereunto.

But, further I answer, for the discussing of this question, that, I see no reason, why those precepts of Moses, concerning vsurie, shoulde be reckoned among the iudiciall, and not among the morall lawes. For first, sure I am, that most learned men, of all ages, and of all kindes, haue numbred them, among the morals, and alleadged them, and spoken of them, in their writings, as of morall lawes. As for instance, (to goe no further, then mine owne reading) among the Fathers, Basile, Chrysostome, Clemens Alexandrinus, Gregorius Nissenus, Origen, Ambrose, Ciprian, Augustine, Hierome and others: among the scholemen, Thomas Aquinas, Peter Lumbard, Dionisius Carthusianus, Gabriel Biel, Lira, Rainerus, Aquileius, and others: among the late writers, Luther, Melancthon, Brentius, Musculus, Chemnitius, Arctius, Hemingius, Wigandus, Zegedius,

Some diuines defend vsurie.

The prayse of M. Calvin.

nas, Molanus, Viguerius, Wolphius, and a number of others: who do all, in their wrytings, speake of this argument, as of a morall dutie, and alledge those places of Moses, as morall lawes.

And whereas here it may bee repleyd, that diuerse godly men, of rare learning, & singular iudgement, as Calvin, Bucer, Bullinger, Danaeus, Lauater, Carolus Molineus, and some others, haue iudged those lawes of Moses, to be but Iudiciall, and therefore haue tolerated, yea approued some kinde of vsurie: to this I thinke good, not to answer, without some Preface, and preamble vsed in their behalfe. I doe acknowledge (and that vnfaignedly) that these men haue beene great lights, to dispell the darknesse of this latter age, and to be such, as from whose opinion, and iudgement, I do not dissent, without some feare, and suspition of my selfe, noz without great reuerence yelded to them: and after a sort, leaue, and pardon, and license craved of them. Especially M. Calvin: who for his paines taken in the Church of God, may bee truly called, (as not long since he was called, in this towne) a venerable or honorable Calvin, whose modestie, humilitie, sobrietie, learning, and iudgement, they do highly reuerence, that differ from him in some opinions: and when they speake the least of him, doe giue this verdict, that he was surelie an excellent man. For mine own part, I doe so honour the soundnesse of his doctrine, and the excellency of his gifts, that I highly thanke God that euer his booke were extant in the world: and I wish that I had (with B. Iuel) the art of memory, so as I might bee able to repeate at my fingers endes, (as he could very roundly) not onely Caluins Institutions, but all the treatises, and Commentaries, and Epistles which hee framed. And I say as a learned man sayd of our time, That which Fabius saith of Cicero, that

c M. B.
f Suruey of the pretended discipline. pag. 63.

g Idē. pag. 127.
h L. Humfred in Vita Iuel. pag. 236.

i Bastinguin admonit. to the reader before his comment. Upon the Catechisme of the Countie Palatine of Rhine.

M. Caluins commendation.

Vsurie no heresie.

k Zanchius
Miscelan. epist.
ad Lantigra-
mum.

l Archidiaconus 31. quest. 1
Card. Cle. 1. de
Vsur. citantur
a Wilfano. fol.
144.

m Martin. ab
Aspilcuet en-
chirid. cap. 17.
numero. 207.

n Calvin. epist.
respons. de Vsu-
ris tantum a-
best & istud
pro edicto vel
axiom. haberi
velim. Etc.

o August. de
ciuit. Dei. lib.
18. cap. 51.

Thom. Aquin
22^a. quest. 11.
articulo. 2.

Pet. Martyr.
loc. com. clas. 2.
loc. 4. sect. 50.

haue I alwayes applyed to that writer : let him know that hee hath profited much, who is much delighted in M. Calvin. And although if a man should call me a Calviniste, (as the Papistes call vs all in disgrace) I would say with Zanchius, ** Calvinianum me esse perne-go*: I deny to beare the name of a Calviniste, more then of a Lutheran, or a Zuinglian, or some other. For (as hee there also saith,) (*christianus sum*, my title and stile which I beare is to be a Christian: yet as Tullie profes- sed that he had rather erre with Plato then hold the truth with others: so, if it were lawfull to erre with any mā, I would erre with M. Calvin. And I had rather hold with him in some things which y^e world iudgeth to be errours: then professe many thinges, which contrary to him the Papists and others haue deemed to be truth. But The good Homer sometime fell on sleep: and Bern- hard himselfe sawe not all thinges: and M. Calvin being but a man, had in this point his ignorance and errour after the manner of men. His heresie I dare not call it, though I am not ignorant that some affirme ¹ vsu- rie to be heresie: and one saith that, ^m It is heresie to de- ny vsurie to be a deadly sinne. Yet (I say) his heresie I dare not call it, (as some haue aduentured to doe of late,) partly, because that hee did not ^a obstinately de- fend it, as it appeareth by his Epistle w^ritten of that argument: and partly because that this opinion of v- surie, neither concerneth any article of faith, nor any thing which by consequence followeth v^po an article of faith: both which must cōcurre ⁿ by the iudgemēt of diuines to the constitution, and naming of an heresie. But his errour I hope I may cal it without offēce, not onely because my selfe (which is little) doe deeme it so to bee: but also (and much rather) because hee, and the rest of his opinion, are in this point surcharged with a multitude of learned men, of the contrary iudgement,

Multitude must not be followed.

Caluine is vainly pretended of vsurers.

as hath bene befoze declared. For a man may say in this case with Alciare, *p Omnes militans in casu nostro*: p Andreas Alciat. respons. lib. 1. consil. 3. sect. 12. all men (almost, or in comparison) fight vnder our banner, or are of our opinion. Yea, and because Hierome sayd well, *Non statim multitudinis acquiescamus iudicio*, we must not presently, (without further consideration) rest vpon the iudgement of the multitude: therefore, it is secondly to be added, that they are overcome, not onely with the greater number, but also with the better arguments. And thirdly it must be noted, that Caluin and Bucer and others of that iudgement did (as D. Wilson hath well obserued) somwhat inlarge this law by a charitable exposition, partly for the hardnesse of mens harts, and partly for verie necessities sake, to helpe the needie banished men then dwelling among them. In which cases we see that God himselfe hath yielded much to the weaknesse of men. For because of the hardnesse of mens harts, God permitted a bill of diuorice to Israell, beyond the boundes of the seuenth commaundement. And in respect of necessitie, Dauid is tolerated eating of the sheuebread, which otherwise was not lawfull for him to eate, neither for them which were with him, but only for the priests. Lastly (to make an end of this point) me thinketh, any vsurer should bee ashamed to alledge in his defense the opinion & authoritie of M. Caluin: considering that, first, they approue not his iudgement in a number of other things, and therefore in this may be iustly suspected to bee partiall: secondly, because none of them will obserue the lawes and circumstances, which he hath prescribed in this case of vsurie: thirdly because Caluin himselfe when he hath deliuered this opinion of vsurie, requireth that no man stand vpon his iudgement for the full and absolute determination of this controuersie. And therefore vainely, and vniustly is M. Caluin

p Andreas Alciat. respons. lib. 1. consil. 3. sect. 12. q Hierom. comment in Esay. cap. 3.

r D. Wilson. fol. 179.

s Dent. 24. 1. Mat. 19. 7. 8.

t Mat. 12. 34.

u Exod. 29. 33. Leuit. 8. 31.

x Caluin. epist. respons. de vsurie.

Vsurie is forbidden with.

how breaches of the morall law,

ascited, as a Patron of their vnlawfull practise.

But, to returne thither from whence I haue a little digressed: it is not otherwise like, but that the preceptes of Moses concerning vsurie, are partes and parcels of the morall law. For David in the 50. Psalme y Psal. 15. 5. y reckoneth it among morall duties. And Ezekiel in one place hedgeth it in, with z Exek. 22. 12. Briberie on the one side, and with defrauding of our neighbour on the other: which are both notorious breaches of the morall law. And in another place, he combineth vsurie, and Idolatrie together. For so I read that place with Tremellius (per appositionem) in his 18. chapter: *ad stercoreos deos attollat oculos suos abhominatidnem faciens, in usuram det, & fœnus accipiat*: hath lift vp his eyes to Idols, committing abhominatidnem. (And then it followeth immediatly in the next verse) giueth to vsurie and taketh increase. Of which coupling of those sinnes in that place together, S. Ambrose hath thus obserued, b Ambros. lib. Tobia. cap. 15. *vide quomodo fœnatorum cum Idololatria copulauit, quasi crimen aquaret*: note (saith he) how the Prophet in this place, hath coupled an vsurer with an Idolater, as if vsurie did match or counterpoise the sinne of Idolatrie. Now, who knoweth not, that no breach of the Iudiciall law is equall to Idolatrie, and that Idolatrie is one of the greatestt trespasses against the morall law? If therefore vsurie doe in any measure answere Idolatrie, it will follow from thence, that the committing thereof, is a breach of the morall law.

Besides, I see no reason why the lawes concerning vsurie should not be reputed and taken for morall, as well as those which concerne Incest: of which no diuine (to my knowledge) ever doubted, but that they ought to abide perpetuall and inuiolable, as preceptes of the morall law. For, if it be objected that the lawes of vsurie haue receiued some exceptions: it is euident that the

The lawes of Incest had their exceptions.

the lawes of Incest haue receiued exceptiō and dispensation also. In the time of the law, one brother was permitted (nay commaunded,) to rayse vp seede vnto another, deceasing without issue: cōtrary to that law which sayd, *thou shalt not discover the shame of thy brothers wife.* Yea, in the first beginning & creation of the world, (when not withstanding) the morall law was written in Adams hart, the lawes of Incest receiued manifest exception. For the text saith, that *Cain knew his wife, which conceived and bare Henoah.* Now whom could he know for a wife, or of whom could hee beget children at that time, but either of Heuah his owne mother, or of some of her daughters, his owne sisters: For *Heuah was the mother of all lining:* and Caine was her eldest sonne in the first generation. Now, to say that Caine knew his mother, is vsuauery, and a Paradoxe: the other therfore followeth of necessitie. And it is certaine, that besides their sonnes Caine and Habel *& nata sunt eis etiam filiae* (as Iosephus speaketh) there were also daughters borne vnto Adam and Heuah, howsoever they be not mentioned (because there was no great occasion to mention them) in the Scriptures. So then of a daughter of Adam which was Caines owne sister, did Caine make a wife and beget issue, cōtrary to that law which sayd, *Thou shalt not discover the shame of thy sister, the daughter of thy mother.* Such exceptions therfore had the lawes of Incest of which notwithstanding no man euer doubted, but that they were branches of the morall law. And if any man will object against this instance of Caine, that the law of Incest was to be broken in the first creation for very necessities sake: I answer, that it being graunted that God would create but one man and one woman in the beginning, and that by them alone hee would propagate mankind: it was of necessitie to fall out, that men must

c Deut. 25. 5.

d Leuit. 18. 16

c Gen 4. 17.

f Gen. 3. 20.

g Iosephus antiquit. Iudae. lib. 1. cap. 3.

k Leuit. 18. 9.

l Gen. 1. 27.

m Gen. 1. 28.

n Gen. 1. 28.

Incest receiued exception.

The reasons against vsurie are morall.

i Leuit. 18.6.

k Malachy. 2.
15.

l Exod. 22. 25.

m Leuit. 25. 35.

n Tremel. an-
not. in Leuit.
25. 35.

come nye to the kindred of their own flesh to vncouer their shame, contrary to the law. But this was *necessitas ex hypothesi*, necessitie by supposition, not simple nor absolute as the Logicians speake. For what necessitie could compell God, to create onely one man and one woman, to bee the fountaine of mankind, when he had abundance of spirite (as the Prophet speaketh,) and could as easilie haue made many women of many ribbes, yea many women of one ribbe; as hee made one Heua of one bone to be the mother of vs all. I conclude therfore *a pari* from the comparison of the equall. The lawes of Incest are morall, and yet haue receiued fundry exceptions: & why not then, likewise the lawes of vsurie: howsoener they receiued sometime some such exception, as can no way exempt them from the compasse of the morall law? But that remaineth afterwards to be declared.

Lastly for this first obiection, the very reasons which God annexeth as appendices or appurtenances to the lawes of vsurie, may euince them to bee morall. For the Lord sayth in Exodus, *I see shall not oppresse him with vsurie.* Now to oppresse thy neighbour, is against the morall lawe: and therefore if vsurie bee oppression of thy neighbour (as after shall bee shewed) then without question vsurie is against the morall law. Again, Moses alledgeth this for a reason why God forbiddeth a man to take vsurie of his brother: *So (saith he) shall he liue with thee, that is, so shall hee bee able in some measure, to support his outward estate: yea, that his life may be with thee, for so* Tremellius obserueth it to be read *verbatim* from the Hebrue. Now, to doe, or not to doe a thing by which thy brothers good estate may bee furthered, or hindered, or by which his life may bee shortned, or prolonged: are things, the forbidding, or commaunding whereof belongeth to the morall

Morall lawes haue

received exception.

morall lawe. And therefore in consideration of the premises, I conclude it to bee mine opinion (submitting my reasons to them that are able to confute these, and to alleadge better to the contrarie) that the precepts concerning vsurie deliuered by Moses, and afterwarde reuiued by the Prophets, are essentiall branches and parts not of the iudiciall or politicall lawe, which was proper to those times and that nation of the Iewes: but of the morall lawe of God, common to all the nations, and times, and countries of the world: and so consequently to be kept inuiolable, and without exception of vs and of the generations to come.

Obiect. 2. But it is secondly objected that the lawes touching vsurie cannot be morall because they haue received speciall exception, yea and by them vsurie is in some case suffered and permitted. For Moses saith, Deut 23. *Extraneo faeneraberis*, vnto a stranger thou maist lende vpon vsurie. Now, the dueties of the morall lawe, are the same to a stranger, that they are to our neereff friende: and therefore sith vsurie is forbidden to the one and permitted to the other, it seemeth that it is no transgression against the morall lawe.

The second objection in defence of vsurie: it was permitted to be exacted of strangers.

o Deut. 23. 20.

Answer. To this I answer. First, that it is no good argument to conclude in this manner: the lawes of vsurie receiue exception: Ergo, they are no parte of the morall lawe. For, besides the instance afore giuen of incest, it is manifest that many other morall lawes haue by the speciall dispensation of God the lawe giuer, received euident exceptions. As for example, this is a morall lawe: *Remember the Sabbath day to keepe it holy*. And againe, *In it thou shalt doe no manner of worke*. And yet, the Israelites are commaunded to march about Iericho in their armour, with the Priestes, and the arke caried before them, and to continue their marching in that order, for the space of seuen dayes together.

p Exod. 20. 8.

10.

q Iosua 6. 3. 4.

Morall lawes haue had

speciall exceptions.

† Exod. 20. 13.

† Gen. 22. 2.

† Exod. 20. 15.

u Exod. 11. 2.

together. One of which seuen, must of necessitie be the Sabbath, in which God had forbidden the Iewes, by the morall law to doe any manner of worke. Againe this is a morall lawe, *thou shalt not kill*: and yet, Abraham had a speciall commaundement to sacrifice his sonne. Againe this is a morall law, *Thou shalt not steale*, yet God commaundeth the Israelites to borrow, with a purpose of robbing the Egyptians. Euen so, and in like manner, this may be a morall lawe, *Thou shalt not lende to vsurie*, and yet vpon speciall occasion receiue this speciall exception, *extraneo foeneraberis*, to a stranger thou maiest lend vpon vsurie. And no maruaile: for, if that be true which is saide in our common speech, the Prince is aboue her lawe, and wee see that she may doe, and doth many times, by her royall prerogatiue giue *mandatum*, and dispensation contrarie to the lawe: farre be it from vs to imagine, that GOD who is the most absolute Lorde of all the world, should not haue authoritie, to giue exception, and dispensation, euen to his morall lawe.

Secondly, I answer to this obiection: that in this speech of Moses, *vnto a stranger thou maist lend vpon vsurie*: wee are to consider what kinde of aliants, and strangers they were, towards whom the practising of vsurie was permitted. I am not ignorant, that some by the name of a stranger in that place, doe comprehend all the nations and countries adiacent to Palestina, as Egypt, Syria, the Iles of the sea, and such like. Now, although I dare not resolute lie denie, but it may bee so, yet I am very hardly induced, and perswaded to beleeue that it should be so. Partly, because we haue not so much as one iot, or title in the Scriptures, that mentioneth any vsurie exercised betwene Iudea, and other countries: which it is not likely, the holy Ghost would altogether haue omitted, (if it had been so) to

note

x Calvin. serm.
134. in deut.
23.

To what Gentiles, the Iewes

might lend for vsurie.

note a difference of the Iewish traffique, betweene themselves and with other nations. And partly also, I can hardly condescend to that opinion, because it is not easie to say, that *foenus nauticum*, or billes of mart, or such like exchanges, were then vsed among merchants, as are now in vse and practise among vs: without which contiepances, or the like, securitie cannot be made betweene trades men, or marchants of diuerse iurisdictions. I doe therefore vnderstand with S. Ambrose, by the name of strangers in that place, y^e the Amalekites and Amorites, and the other nations of the Gentiles: which being not vtterly rooted out by the Israelites, at their first entrance into the lande of Canaan, grew vp and increased among them, to their incredible annoyance. So Paulus Fagius saith, that diuerse learned men conceived of that place, *Sunt quidam in hac sententia, quod hac usura de qua hic agitur, solum concessa fuerit Iudeis, in septem illas gentes quarum uniuersam facultatem dominus Israelitis tradidit*. There are some of this opinion, that the vsurie here spoken of, was onelie permitted to the Iewes, to be exercised vpon these seven nations, all whose goods God had giuen to Israel. In deede, I am right sure that Tremelius, and Iunius, doe so vnderstand that place. For they translate the text, *Extraneo isti dabis in usuram*, to this stranger thou shalt lend to vsurie: As if Moses had after a sorte poynted with his fingers to the strangers then in presence, and within the viewe of the eye among them. And so they doe also interpret that place. *Extraneo isti: viz. reliquij istis Canaanitarum*: to this stranger, that is, to these remainders of the Canenites, thou mayst lend to vsurie. Yea, and they render in that their exposition, a reason why God permitted the Iewes, to exact vsurie of those strangers: *illas enim deus exitio destinauerat, & paulatim consumi volebat*: for them God had ordained

y Ambros. lib. de Tobia. c. 15.

z P. Fagius annot. in paraphr. Caldaic. in deut. 23. 20.

a Deut. 23. 20.

b Tremel. & Iun. annot. in deut. 23. 20.

Vsurie was permitted to

strangers, to consume them.

c Deut. 7. 22.

d Ambros. lib.
de Tobia. c. 15.

to destruction, and would haue them consumed, and wasted away by little and little. Now, because he sawe that vsurie was a meanes to humble them, yea, to waste them, and to eate them vp, therefore towards them he permitted vsurie. S. Ambrose hath a notable sentence of that speeche of Moses, *Extraneo faeneraberis*, to a stranger thou maiest lend vpon vsurie. *Ibi (inquit) usuram exige, cui meritis nocere desideras. Cui iure inferuntur arma, hinc legitime indicantur usurae. Quem bella non potes facile vincere, de hoc cito potes centesima vindicare te*: Of him (saith Moses) demaunde vsurie, whom thou willinglie desirest to harme. Against whom thou maiest take vp weapon, vpon him maiest thou lawfullie impose vsurie, whom thou canst not ouercome by force of armes in battaile, of him maiest thou soone ridde, and free thy selfe by vsurie. And againe, *Ab hoc usuram exige, quem non fit crimen occidere*: demaunde vsurie of him, whome it is no offence to sleie. And a little after: *Ergo ubi ius belli, ibi etiam ius usurae*: Therefore, where warre is lawfull, there onely is vsurie lawfull also. The sentence of Ambrose, importeth, that because it was lawfull for the Iewes, any way to annoy the gentiles, yea to leaue warre against them, yea to sloa them, and to put them to death: therefore it was, that God permitted them to take vsurie of the strangers, that by this meanes they might the sooner be wasted & consumed. A prince may vse a condemned malefactor as hee listeth himselfe. He may put him to geinde in the mill, to digge in the mines, to rowe in the gallies, or to execute any other slauish seruice. And why? For hee might slea him with the sword, and take away his life. So, God might iustlie giue ouer these gentiles to the violence, oppression, and vsurie of the Iewes: because hee had already adindged them as notorious malefactors to an utter and finall subuersion. Now then, what maketh this

Vsurie permitted toward strangers,

to auoide a greater euill.

this exception: to a stranger thou mayest lend vpon vsurie, for any man to iustifie his lending vpon increase to his neighbour: whereas God permitted the practise thereof onely towardes those whom hee would haue to bee consumed, as one speciall meanes to further forward, and to hasten on their destruction. For it is as if God had spoken more plainly in this case or the like: thou shalt onely kill him whose blood I will haue to bee shed: thou shalt onely steale from him, whom I would haue to be unpouerished: and so, thou shalt onely take vsurie of him, whom I would haue to bee consumed. Such is the exception against the lawe of vsurie: and such onely is the case in which it was permitted.

Thirdly I answer vnto this obiection, that although in that place of *Deuteronomie*, there should bee comprehended vnder the name of stranger all the nations of the world, with which the Iewes had to deale in traffique: yet was it but a *permissio minoris mali, ad maius evitandum*: the permitting of a lesser euill, onely to auoide the greater. Hee was contented to permit taking of vsurie of a stranger, least the Iewes being covetously minded, should exercise that tyrannie towardes their owne brethren: and he was contented to permit them to lend for vsurie to some, least for want of gaine, they would haue refused to lend vnto any. As we see this to be the grievous euill of these dayes, that because some men may not lend vpon vsurie, therefore they shut vp their compassion from lending at all. Chemnitius saith well, that God in the old Testament shewed himselfe to be & *theologus* & *legislator*: he delt both as a diuine, and as a lawgiver or Politician. As a Theologian or a diuine hee alwayes prescribed, that which was onely and perfectly good: as a lawgiver hee did sometimes tolerate that, in respect of some circumstance, which was not simply, nor exactly good of it

eLyra in Exod.
22.

f Chemnit. loc. com. rom. 2. 11. de paupertate. cap 6.

Vsurie taking of the gentiles

was permissiueely granted.

g Beza annot.
in Mat. 19.8.

selfe. *Ut in societate civili istius populi peiora vitarentur, minora quadam mala, non quidem approbavit, sed forensi & politico sine toleranda permisit patet, quod per magistratum civilem non puniebantur.* As for example (saith hee) that some worse things might be auoyded, in the ciuill societie of this people of the Iewes: he did not approue, but tolerate, to a Politicall end, and purpose, certaine smaller euils, so farre onely that they should not be punished of the ciuill Magistrate. And therefore, M. Beza speaking of that same bill of diuorice, which Moses tolerated among the Iewes for the hardnesse of their hearts, & doth exemplifie that fact of his, by that toleration of vsurie, which Magistrates, and Princes are compelled in these dayes to adinit, for very necessitie. God as a diuine forbade both, but as a lawgeuer, he permitted both vnto his people.

h Petrus Galatinus, de arcanis catholicae Veritatis. libro. 11. cap. 4.
i Psal. 15.5.

And that this lending to vsurie to a stranger, was but permissiue concessum, graunted onely by permission for a time, and not to endure for euer, may partly appeare by the confession of the Iewes themselves. For, Galatinus reporteth out of their Talmud, y it was the iudgement of the Iewish Rabbines, that in that place of the Psalme, *He that hath not given his money to vsurie, God did not onely forbid it towarde the Iewes: but etiam ad usuram Goy, euen toward him, which was a Gentile.* Therefore we see, that as Polygamie, or the having of many wiues, was long tolerated among the fathers, but at the last, towarde the breaking out of the clearer light of the Gospell, it was evidently, and flatly condemned by ^k Malachie: so, howsoeuer vsurie towarde strangers was long and many yeares permitted among the Iewes: yet when the strangers began to bee woꝛne out, according to the promise of God made vnto the fathers: then was it absolutely and generally condemned, first by Dauid as the Iewes themselves

To what gentiles the Iewes

might lend for vsurie.

selues confesse, and after ward more fully by Ezekiell, as appeareth in his prophetic. And therefore S. Hierome writeth thus vpon that place of Ezekiell: *1 dicitur Dent. 23. fratri non fœneraberis, alieno fœneraberis. Sed vide profectum. In principio legis a fratribus tantum fœnus tollitur: in Prophetâ ab omnibus usura prohibetur.* It is sayd (saith Hierome) *Dent. 23. thou shalt not lend vpon vsurie to thy brother: but to a stranger thou shalt lend vpon vsurie.* Note herein the growing on, or the going forward of the law in perfection. In the beginning of the law, vsurie was onely forbidden to be taken of their brethren: in this Prophet, vsurie is forbidden towards all men. And another agreeing with S. Hierome, writeth thus vpon the same place of Ezekiell: *m Ecce, hoc loco usura generaliter prohibetur: Behold (saith he) in this place of Ezekiell vsurie is forbidden generally, or simply, or altogether. Unde quod Moses concessit filiis Israel, extraneis ad usuram accommodare, permissiue fecit propter imperfectionem eorum: Quemadmodum & libellum repudij ipsis permisit.* From whence it may appeare, that Moles graunting the children of Israell leaue or license to lend vpon vsurie to strangers, did it onely permissiue, or by way of toleration, for their imperfections sake. As in like manner he permitted vnto them the bill of diuorce. Parents will tolerate much ignorance, much wantonnesse, much rudenesse in their children during the time of their nonage and infancie. Euen so vnder the Pædagogic of the law, & during the infancie of his Church, did God permit & tolerate many imperfections among his people: which now in these dayes of grace, and of the fulnesse of the spirite, ought as cloudes befoze the winde, to be dispersed and vanish away.

Fourthly, I answer that, that permissiue speech of Moses, vnto a stranger thou mayest lend vpon vsurie, yeeldeth no libertie to vs to exercise vsurie one to wardes another.

1 Hieron. com.

Ezek. 18.

m Dionis. Car. thus com. in Ezek. 18.

All Christians are brethren.

Proselytes

n Clemens A-
lexand. Stro-
mat. lib. 2.

another. Forasmuch as we are all brethren in Christ, and fellowe heyers together of euerlasting saluation. Clemens Alexandrinus hath a notable sentence to this purpose. *Lex prohibet fratri foenerari: fratrem nominans, non eum solum, qui est ex ysdem natus parentibus, sed etiam qui fuerit eiusdē tribus, eiusdemque sententia, & eiusdem verbi particeps.* The law forbiddeth to lend to vsurie to our brother: vnder the name of a brother comprehending not only him which was borne of the same parents, but him also which was of the same tribe, & of the same opinion, and partaker of the same word. Now, we are all sprung from the same stocke, bred in the same countrey, professing the same Religion, partakers all of the same word and Gospell. Yea, I may say with the Apostle *we are all one body, we haue all one spirite, one hope of our calling, one Lord, one faith, one baptisme, one God and father of all, which is aboue all, and thorough all, and in vs all.* And therfore, if the Iew might but lend vnto a straunger vpon vsurie: it is moze then Iewish for vs to exact it of a Christian.

o Ephes. 4. 4 5.
6.

p Io. Woulfius
in Deut. 23.

I might adde moze reasons why God permitted the Iewes, to lend vpon vsurie to the straungers, as namely, because the Israelites fed their own poore, so as they burthened no man: and yet besides that, they fed the poore straungers also. In consideration whereof, they might by this meanes seeke the better to beare their charges. Againe, they receiued Proselytes which were conuerted from gentilisme as their own, and fed them, nourished them, & maintained the together with their owne people. For the better maintenance whereof, God gaue them this libertie to exact vsurie of the straungers. But I neede not stand vpon these: for that is sufficient which is already answered concerning the second obiection.

Obiect

The poore, Gods speciall people,

and specially provided for of him.

Obiect 3. It is further objected touching the scriptures The third
tures befoze alledged against vsurie, that although obiection,
they be graunted to be preceptes of the moral law: yet in defence
they only forbid lending vpon vsurie vnto the poore and of vsurie: it
needie. As it seemeth may appeare by the very wordes is onely for-
of Moses himselfe. For hee saith in one place ¶ If thou bidden to
lend to my people, that is to the poore with thee, thou shalt not the poore.
be as an vsurer vnto him. And Vatablus obserueth that q Exod 22 25.
these wordes, to the poore with thee, are put ἐν τῷ πτωχῷ to r Vatablus an-
expounde whom in that place he understandeth by the not. in Exod.
name of his people: nempe pauperes, that is to say the 22. 25.
poore. The poore they are onely his people of whom
hee will haue no vsurie to bee taken. And in another
place he saith, ¶ If thy brother bee impouerished, and fallen ¶ Leuit. 25. 35.
in decay with thee, &c. thou shalt take no vsurie of him. By
which places it may seeme, that so we lend not to a mā
that is poore and needie, but to one that is riche and
hath abundance, of him wee may take vsurie without
breach of the law.

Ans. Now, to this also I answer diuerse and sun-
dry waies. First, I say with B. Iuel, ¶ Quæ est ista diale- t L. Humfred.
ctica? What manner of logicke or reasoning is this? A de Vita Iuella
man may not take vsurie of the poore: Ergo, hee may pag. 221.
take vsurie of the rich. This is a plaine Non sequitur, It
followeth not in art. Let vs see the like in other exam-
ples. Salomon sayth in the Prouerbs, ¶ Robbe not the u Pro. 22. 22.
poore, because he is poore: Shall I thence conclude, Ergo,
I may robbe the rich, because he is rich? Againe, the
lawe sayth, x Cursed bee hee that smiteth his neighbour x Deut. 27. 24.
secretly: Shall I thence conclude that it is lawfull for a
man to smite his neighbour openly? so when Moses
sayth, Lende not to the poore: for vsurie: Doth it followe
from thence, therfore I may lend for vsurie to the rich?
Nothing lesse: it carieth no consequence at all. And
therfore Chemnitius hath very fully and plainly re-
solved

Forbidding of V. towards the poore,

maketh it not lawfull towards the rich.

y Chemnit. loc.
com. part. 2. tit.
de paupertate
cap. 6.

Note that
Chemnitius
reckoneth
them for the
5. and 7.
which we
reckon for
the 6. and 8.
commaunde-
ments: be-
cause he ma-
keth the two
first but one.

solved this doubt, y *Quod in quibusdam testimonijs pau-
perum fit mentio, eadem ratione fit, sicut in quinto & septi-
mo preceptis plerumque nominantur vidua, pupilli, pauperes,
ne illis inferatur iniuria.* Whereas (sayth he) in certaine
testimonies of scripture concerning vsurie, there is men-
tion made of the poore by name, that is done for the
same reason, (or cause) for which in the fifth and seventh
commaundements the widdowes, orphanes, and poore
folkes are commonly recited by name, that no iniurie
should be offered vnto them. *Sed inde non sequitur, ergo
iniuria qua fit coniugatis, adultis, potentibus, diuitibus, &c.
non est peccatum.* But (sayth he) howsoever God in the
preceptes belonging to those commaundements,
make mention by name of widdowes, orphanes, and
poore folkes: yet, it followeth not from thence, that
an iniurie done to married persons, to persons of full yeeres,
to mightie men, to rich men, &c. is no sinne. Euen so is
it in this case: howsoever God in the lawes of vsurie
make mention of the poore by name, for some causes
which after wards shall bee alledged: yet it followeth
not from hence, by any consequence of argument, that
therefore to lend vpon vsurie to the rich, is no offence
or breach of the lawe.

y Iosephus con-
tra Appionem.
lib. 2.

Secondly, to this point I answer, that howsoever
in these places afozenamed, there is speciall mention
made of the poore: yet in other places, where the same
thing is forbidden, there is no mention, nor recitall of
them at all. As Deut 23. Psal. 15. Ezech. 18. and others.
Yea, and it is not nothing to this purpose, that Iose-
phus iustifying against Appion the lawes and statutes
of the Iewes, reciteth this for one, *Mutui non ac-
cipiat vsuras:* it is sayth he, a lawe among vs, that the
lender shall take no vsurie: making no mention, or ex-
ception of the poore and needie at all. Now, why should
those places which mention the poore by name, rather
restraine

Latter scriptures

expound the former.

restraine the other which make no mention of them: then the other which make no mention of the poore, should enlarge those that name them: especiallie, if wee consider that those places which mention not the poore, were the later written. Now, *Posteriores a L. A. libri, ideo fere scripti, ut priorum interpretes essent*: The latter bookes of the scripture were written somewhat to this purpose, that they might be interpreters and expositors of the former. And therefore, the latter written scriptures concerning vsurie, making no mention of the poore, may argue that the former scriptures are not to be tyed and restrained to them alone.

Thirdly, I answer, that if the law of lending to the poore without vsurie, should inferre the lawfulness of lending to the rich upon vsurie: then it is euident that Gods intendement in those lawes for the benefite of the poore, should rather proue a hurt and hinderance vnto them: because by this meanes it would come to passe that the poore should not borrowe at all. For, who will lende to the poore for nothing, that might lawfully lend to the rich for vsurie? of which point wee haue so lamentable and euident experience in these daies, as no man, no not the vsurer himselfe is able to gaine say it. Yet of the two it were better for the poore man that hee should borrowe upon vsurie, then that hee should not be able to borrowe at all: no to borrowe at all hee shall not, if it be lawfull to lend to the rich for vsurie, and not vnto him. And therefore as one sayd, *Maledicta glossa qua corrumpit textum*: Accursed be that glosse or commentarie that destroyeth the text: so may I say in this case, euill fare that interpretation which overthroweth the intent & purpose of the commandement.

Fourthly, and lastly, I answer to this third objection: that it is no maruella though God in the lawes of vsurie doe specially and by name forbid lending in

The poore are named, to

shewe Gods care ouer them.

b *Esa. 1. 17.*c *Pro. 31. 9.*d *Pro. 23. 10.*e *Zach. 7. 10.*

that manner to the poore. For, he doth it, partly to shew what care hee himselfe hath ouer them, who are commonly and vsually neglected of men: and partly, because the poore are sonnest and easiest oppressed of the rich, as the lowest hedge is easiest stepped ouer: yea, and partly also, because vsurie sitteth hardest vpon the skirtes of the poore, and will sooner bite and deuoure them, then it will the rich, able, and substantiall men in the world. So that for these causes the poore had neede of a speciall caueat, to be put in on their behalfe. Wee see that God speaketh to the same effect in other places: ^b *Iudge the fatherles and defend the widdow.* And againe, ^c *Iudge the afflicted and the poore.* And againe, ^d *Enter not into the fieldes of the fatherles.* And againe, ^e *Oppresse not the widdowe, nor the fatherles, the stranger nor the poore:* and many such other speeches hath God, concerning those parties in the holy scripture. Not as intending to inferre thereby that wee neede not, or wee ought not to iudge the child that hath a father, the wife that hath a husband, the rich that hath plentie: nor as if it were lawfull for vs, vniustly to seaze vpon the possessions of the mightie, or to oppresse our home borne brethren. But because the orphane, the widdowe, the poore, the stranger, are easily forgotten, seldom regarded, and sone ouerthrowne: therefore is it, that specially, and by name, they are so often, and so particularly mentioned in the word. Euen so, let vs know that God dealeth after the same manner, when he mentioneth the poore in this case of vsurie. It is no humanitie to drawe the dagger to stab a man, who is thine equall in piers and in valure of bodie. But for a man to drawe his weapon on a childe, who hath neither wisdom, nor strength to resist: is shamefull cowardnes, yea barbarous crueltie. So, it is inhumantie for an vsurer to gripe a man that is rich and well able

Nashac, whether onely forbidden.

Etimologie, no sufficient testimonie.

ble to pay: but with that sword of his, to runne quite thorough the heart of the needie (to whome it were more almes to giue the principall:) that, that is the horrible iniquitie which God specially, and by name hath as it were *καὶ ἐξου* forbidden in those places of scripture, that make mention of the poore.

Obiect. 4. There is yet a fourth obiection made as touching the places of Scripture before alledged against vsurie. For, say that the lawes concerning vsurie be morall, and that they inhibit such lending both to rich and poore: yet they condemne not al measure of vsurie, but onely that which is excessive, and byting, and which carieth with it a deuouring and oppressing of an other. And that (say some) appeareth by the expresse wordes of the text. For Moses sayth, *†* *Thou shalt not oppresse him by vsurie: Ergo, if I oppresse not my brother, if my vsurie be not so great as it bite, or deuour him: I am not for lending in that sorte condemned by the law of God. Yea, and that the scripture onely forbiddeth biting vsurie, may appeare (say they) also by the nature and Etimologie of the word, which the holy Ghost useth to that purpose. For, vsurie is called in the hebreue tongue *Nashach*, which s as Lauater and others haue truly obserued, signifieth properly *Morsus*, a biting or gnawing of a thing. And it is a worde borrowed as some thinke, *†* from the biting or stinging of a serpent: as others haue iudged *‡* from the gnawing, or tyring of a dogge vpon a bone. So that, vnlesse vsurie bee *Nashach*, biting, vnlesse by it a man sting his neighbour, as a serpent, or pray vpon him as a dogge vpon a carrion: some holde opinion that it is not forbidden in the worde of God.*

The fourth obiection in defence of vsurie: only biting vsurie is forbidden.

† Exod. 22. 25.

g Lauat comment. in Ezek.

18. homil. 76.

h Bodin. de re-pub. lib. 5. ca. 2.

i Lauater. comment. in Pro.

28. 8.

k D Wilson.

fol. 47.

Ans. Powe to this obiection I might answer shortly, ** Ετυμολογία μαρτυρῶν ἀλλόθεν*: The Etymologie of a worde is but a slender witnesse. But I haue further to

** Gal. de Hippoc. & Platon. decretis. Lib. 2. cap. 2.*

Not onely *Nashach*, but

Tarbit also is forbidden.

1 Exod. 22. 25.

answer vnto it, moe waies then one. First, I say, that not only biting vsurie, but generally all measure of vsurie is forbidden in the worde. For the text is plaine, ¹ If thou lende money to my people, &c. *non eris ei sicut usurarius*: (Tremel. tanquam scenerator,) Thou shalt not be as an vsurer vnto him. Now, what is this that he sayth, Thou shalt not be as an vsurer vnto him? his meaning is, thou shalt not deale with him as vsurers are wont to deale with men. Well then, if thou lend couenanting for gaine, and aduenture not the principall: whether it bite him, or bite him not, whether thou demaund of him moze or lesse for increase: yet in that manner of bargaining, thou art to him as an vsurer, for thou contractest with him in that manner which an vsurer practiseth towards men, and therfore thou art therein condemned by the word of God.

m Leuit. 25.
36. 37.

n Ezek. 22. 12.
o Gregor. Nissen. epist. ad
Latosum Miletene
episcopi bibliothec.
Patrum tom.
1. col. 344.
p Ambros. lib.
de Tobia. cap.
16.

Besides that, it is euident from the Scripture, that not onely biting vsurie (*Nashach*) but generally all Increase of that kinde and nature (which the Hebrewes call *Tarbit*) is forbidden in the law. For Moses saith in Leuiticus ^m thou shalt take no vsurie of him, nor vantage. And agayne in the same place, Thou shalt not giue him thy money to vsurie, nor lend him thy victuals for increase. And Ezekiell condemneth the people of his time, not onely for taking of vsurie (*Nashach*) but also for taking of increase, (*Tarbit*.) ⁿ Thou hast taken vsurie and the increase. And therfore, Gregorius Nissenus doubted not to say ^o *Apud diuinam Scripturam, & fœnus, & usura sunt prohibita*: both increase (which the Latines call *fœnus*, the Grecians *μετοχή*, the Hebricians *Tarbit*) and also vsurie (which the Latines call *usura*, the Grecians *τόκος*, the Hebricians *Nashach*) is forbidden in the holy Scriptures. S. Ambrose saith plainly, speaking of that place of Moses Leuit. 25. *p* *Generaliter hac sententia De omne sortis excludit augmentum*: this sentence of God re-

cited

Næshæch not to be stood vpon.

All yfuric biteth.

cited in that place doth generally exclude all increase a-
boue the principall. **¶** *Pea,* M. Calvin himselfe & will haue
no man to rest precisely vpon that name of vsurie, which
signifieth biting, and which word Moses bleth spea-
king of that matter Deut. 23. His reason is, because E-
zekiell condemning vsurie & placeth there not onely the
word *Neshach* which signifieth biting, but also the o-
ther word, which signifieth increase. As if he had sayd
(saith Calvin) all that is aboue the principall. So y^e, it is
enidēt to a mā whose skil is but meane in y^e tongues, y^e
the Etymologie of the Hebrew word can yield no sound
argumēt for y^e defence of any kind of vsurie: no though
it be not biting nor oppresseth not the borrower.

9 Cal. term.

134 in Dent.

23.

1 Ezek. 18. 23.

Ezek. 22. 12.

Thirdly, it may be added to answer this objection, that though it be granted and yielded vnto them, that the Scripture condemneth onely biting vsurie: yet euē that is a sufficient argument alone, to condemne all kinde of vsurie which is practised vnder the sunne. For it is as cleare as the light of the sunne, that all vsury biteth, and carrieth with it an oppressing of the borrower.

Bucer saith truly *A mordendo dicitur, tacite enim hominem merdet, rodit, & conficit: vsurie hath the name of biting: for it doth secretly bite, gnawe, and consume a man.*

(Bucer comm. in)

Psalm. 13.

And Paulus Fagius hath obserued that the Chaldeans
call vsurie *Hafuliab*, a *perdendo scilicet*, because it de-

P. Pag. Chald.

Paraphrast.

cannot in Exod.

22.24.

stroyeth, and ouerthroweth a man. Yea, so generall,
and common a thing it is for vsurie to bite, that as it
selfe is called of the Hebricians *nashach* a biting: so the
vsurer is called *masbic*, *quia morsum infligit*, because hee
giueth the bite saith Aretius. And the borrower is cal-
led *Nashac*, *quia morsus est*: because hee is bitten and op-
pressed thereby. So that, whersoeuer there is one that
lendeth, and another that borroweth vpon vsurie: there
is a biting, a biter, and one that is bitten assembled and
met together.

1 Aret. Prob.

part. 1. loc. 30.

de 6 sur 12.

Now,

Difference in biting.

x L. Humfred.
in Vita Iuelli.
pag. 220.

Vsurie biteth secretly.

y Lauater.com.
in pro. 28.8.
z Musculus cō.
in Psal. 15.

a Lira com. in
Exod. 22.

Now, it is true indēde which B. Iuel sayd, *x vsura alia est acerbior, alia mitior*: some vsurie is more hard, and some is more soft. For there is great differēce in biting. As for example. There is great difference betwēne the biting of a flea, and the biting of a dogge, and the biting of a Lyon: yet all are bitings, and the least will draw bloud. So, there is difference betwēne him that taketh five, and him that taketh ten, and him that taketh twentie in the hundred: yet all is biting, and the least will consume a man in continuance. And if any man that payeth vsurie, do perhaps not feelee the biting or oppression thereof, yet that is not because hee is not bitten indēde, but because either hee is so benumbed with want, that he feeleth no more then a man that is stung with an adder, when he is fast on sleape: or it is because that *y tectē mordet*: it biteth closely and secretly: or lastly, it is because that, *z primō beneficium conferre videtur*: vsurie seemeth at the first to yeeld the borrower a benefite. And so, he is deceiued with the swētnesse of the tast at the first drinking, as a man that taketh downe poyson into his bowells. Lira hath a notable similitude to this purpose, which he alledgeth out of one of the Rabbines, *a sicut serpens mordens in silentio parum percipitur, vel sentitur in principio: sed postea inflatur homo, & diffunditur effectus illius morsus parui, per totum corpus: sic vsura malum non sentitur in principio, sed postea ascendit ad magnam summam, & deuorat totam hominis substantiam*. As a serpent that stingeth priuile, is little perceiued or felt at the first, but afterwarde, the man that is stung swelleth, and the effect of that little stinging, is dispersed thorough the whole body: So the inconuenience of vsurie, is not felt in the beginning, but in time it amounteth to a great summe, and deuoureth a mans whole substance. It may be also, that the riches and abundance of him that borroweth is so great comming in

Vsurie biteth, though it

in other wayes, that it maketh so full a supply to the payment of increase, for that which he borroweth, as by that meanes hee feeleth not the biting and griping of the vsurie which he payeth. And enen as we see it is in theft or robberie, if a man steale but twelue pence out of a rich mans purse, though the want of it be little felt, by reason of his store and abundance, yet he is hindered that loseth it, and he is a thiefe that taketh it: enen so is it in vsurie, though it be taken of a rich man, and in so small a measure, as that his abundance hardly suffereth the euill thereof to be perceiued, yet is hee bitten that payeth it, and hee that taketh it an oppressour.

To conclude the answer to this fourth obiection: that which alledged out of the text, *ye shall not oppresse him with vsurie*, is of little momēt to the vsurers behöfe. For, whereas we read it in our English, *ye shall not oppresse him with vsurie*, Tremellius readeth it *ne impone*, and Pagnine, *ne imponet* is impose not (or, ye shall not impose) vsurie vpon him. And the Greeke interpretour in the same manner *ὅτι ἀποθήσεις αὐτῷ τὸν τόκον*, thou shalt not put vsurie vpon him. So that, according to all their readings, not onely the oppressing of a man by vsurie, but also the very imposing of vsurie vpon a man, is condemned in that place of Moses. All that the vsurer, can gaine by vying of the English translation is this. That which the Greeke and Latine interpretours doe call imposing of vsurie, that the English translatours call more plainly oppressing by vsurie. As noting, that hee which imposeth vsurie vpon his neighbour, doth thereby bite him, oppresse him, yea deuoure and consume him. Such is the deadly effect of this poysoned practise.

The ende of the fifth Sermon preached Iunij 18. 1592.

¶

The



The sixte and last Sermon: the speciall contents whereof are these.

1. One other obiection is answered which commonly is made in defence of vsurie: namely that it is no where forbidden in the new testament.

2. The inconuenience of vsurie is shewed how unfit it is for a Christian to practise, though it were in any measure lawfull.

Because but for vsurie, it is

1. It maketh the practisers thereof subject to the curses of manie.

2. It is a thing of very euill report.

3. They can haue no resolution of conscience that they doe well that vse it.

4. They are but the instrumentes of euill vnto men.

5. The positie lawes of men both in Church and common weales doe prohibite it: especially in this realme of England.

The fifth
obiection in
defence of
vsurie: it is
not forbid-
den in the
newe testa-
ment.

Obiect. 5.



It is lastly obiected, that the places before alledged against vsurie, are taken onely out of Moses and the Prophets: and that vsurie is no where forbidden, no not so much as once named, in the writings of the Euangelists, and Apostles, contained in the newe testament. From whence, they

Vsurie is against the morall law, though not condemned in the new testament.

they will conclude (I trawe) either that the newe re-
maine giueth more libertie to sinne, then the olde,
which were monstrous blasphemie against the Gospel
of Christ: or at the least, (to speake the best of them)
that the lawes touching vsurie are not morall: and so,
not to abide to be that are christians, vnder these daies
of the Gospell.

Answer. Whereunto may bee answered: first, that
this is no good argument, nor consequence in reason,
vsurie is not named in the newe Testament: Ergo, it is
not forbidden in the morall lawe. For many sinnes
are forbidden in the morall lawe, which are nowhere
mentioned in the newe testament. As for example, the
sinnes of Polygamie, of Tyrannie, of Treason, of Ielou-
sie, and many others, which come not to my remem-
brance, are manifest breaches of the morall lawe. And
yet, I suppose, that no mā can shew them to be conden-
ned, and reprobated by those very names, in the new te-
stament. Yea, I proceede further: there are infinite
breaches, and trespasses against the morall law, which
are not specified by name, either in the olde, or in the
new testament. The lawe of God condemneth many
things, *a pari, a maiori, a minori, &c.* by condemning
the equal, or the greater, or the lesser offence. Some-
times, it includeth the particulars in the generall, and
sometimes, the general in one particular: sometimes,
it condemneth the cause, from the iniquitie of the ef-
fecte: sometimes, the effects, from the iniquitie of the
cause: whereas notwithstanding, the thing that is
condemned, is no where recited by name, in the holy
scriptures. Nazianzene sayd truely, *Quedam & sunt*,
& dicuntur in scripturis: quedam sunt in scripturis, & non
dicuntur. Some things are both contained, and named
in the scriptures: some things are contained in the scrip-
tures, but are not named in them. Which saying of

a Citat. ab
Herbrando loc.
com. cap. de
trinitate.

Vsurie is forbidden

in the newe testament.

that ancient father, as it may be verified in many particulars, (for the Trinitie, the persons in the Trinitie, the vnitie of substance in the Godhead, are things contained in deede, but no where expressly named in the word of God:) so is it most certainly true, in this case which we haue in hand. A thousand, and a thousand particular offences, are there against the morall lawe, which were neuer recorded, nor ever shall be founde particularly named, in the booke, either of the olde, or of the new testament.

But to ioyne with them, in a nearer issue: dare any vsurer say, and affirme, that vsurie is not forbidden in the newe testament. Surely, if it bee not, then was that great counsell of Laterane far deceived, in which some thirtene, or fourtene score Bishops were assembled, and gathered together. For they doubted not, to pronounce that vsurie was forbidden, *utriusque tituli pagina*, that is, (as I expound it) In both the volumes of the Bible. And againe, the same Counsell *Vsurarum crimen, utriusque testamenti pagina detestatur*: The volume of both the testaments, or both the olde and the new testament, doth detest, or abhorre the haine of vsurie. Furthermore, if vsurie bee not forbidden in the new testament: then was Basile farre deceived, who perswaded men, euen by this reason, to abstaine from vsurie, *Ut tam ex veteri, quam noua lege instructus, bona cum spe, ad dominum migrare valeas*: That being instructed, or directed, as well by the olde law, as by the newe, thou maiest with good comforte goe vnto God. Then also were Ambrose, and Hierome much deceived, who, although they both acknowledged, that vsurie was flatly, and all sufficiently condemned in the olde testament: yet Ambrose sayd, *Euangelium dicit, quod est plenius*: The gospel saith that, which is more full, or speaketh more fully in this matter. And Hierome sayd, *In Euangelio, vir-*

b Concil. Lateran. part. 1. cap. 25. item 2.
c Concil. Lateran. part. 16. sit. de vsuris. cap. 1.

d Basile. in Psal. 14.

e Ambros. lib. de Tobia. cap. 15.
f Hieron. com. in Ezek. 18.

tutis

Vsurie is forbidden

in the newe testament.

intis augmentum est. The Gospell goeth further in this case, then the lawe. For the law forbiddeth vsurie, but the Gospell commaundeth the contrarie vertue: hee meaneth free lending, without increase. Yea, then were also the diuines of Wittenberge farre deceiued, who sayd that vsurie was forbidden, & *Nedum iure positivo*, Not onely by the positive lawes of men: *Sed etiam utroque, tum veteri, tum nouo testamento*: But also both in the olde, and new testament. Then also was B. Iuel farre deceiued, who sayd, that vsurie was ^b manifestly condemned, not onely by heathens, by christians, by the olde fathers, by the ancient Councels, by Emperours, by Bishops, by decrees, by Canons, by all sectes of all regions, and of all religions: But also, (which is the pointe, seruing to this present purpose,) *By the Gospell of Christ*: by the mouth of God. Lastly, if vsurie be not forbidden in the newe testament, then were Melancthon, Erasmus, Xyftus Betuleius, Aretius, and a number of others, very learned men, farre deceiued, and overtaken in this argument. By whose writings, and allegations of scripture, it doth manifestly appeare, that they deemed vsurie to be a thing forbidden, euen in the newe testament. But alas, alas, they are not the men, that are deluded, and deceiued: but it is the vsurer himselfe, who in this case, voluntarily deceiueth himselfe, shutting his eyes against the cleare light of the word, as a batte, or an owle, that cannot endure to beholde the beames of the sunne. For the trueth is, that vsurie is euerie where forbidden, euen in the bookes of the newe testament. The fathers disputing against the Arrians, who denied God the sonne, to be of the same substance, and essence with the Father: *Mordicus propugnare, ac retinere voluerunt iniquior*, Would defend, and hold tooth and naile, the worde, or name consubstantiall. And therefore we see, that whereas the Nicene Councell conclud-

*g Theses Wit-
tenberg. citat.
ab Aret. loc.
com part. 1. loc.
30. tit. de vsu-
ris.
h B. Iuel epist.
before D. Wil-
sons vsurie.*

*i Pet. Martyr.
loc com. clas. 3.
loc. 4. sect. 89.*

Consubstantiall, not expresse, but

inferred from the Scriptures,

k Ruffinus ec-
cles. hist. lib. 1.
cap. 5.
l Sozomen. hist.
Eccles. lib. 3.
cap. 12.

m Bullinger.
confes. Eccles.
ante Decad.
n Sozomen. lib.
6. cap. 4.
o P. Martyr.
loc. com. clas. 3.
loc. 4. sect. 89.

ded thus of the sonne of God. *Et quod cum patri, hoc est e-*
iusdem cum patre substantie, Consubstantiall with the fa-
ther; that is of the same substance with the father. The
Westernne Bishops did, *Mordicus adherescere*, cleave
close to that decree of the Nicene Councell, against the
Bishops of the East. And the Councell of Constantino-
ple, concluded in the same words, *Consubstantialem*
patri, Consubstantiall with the father. And lastly, the
Councell of Antioch, approved & expounded the worde
consubstantiall, to iustifie, and to cleare it, from the cal-
uils of the Arrians. *Quod etiam pro suo iure facere po-*
tuerant, sayth Peter Martyr: the fathers might lawfully,
and rightly, thus sticke close, to the defence of the
worde consubstantiall: *Maximè verò, cum viderent eam*
vocem, ex diuinis literis necessario concludi: Especially,
whenthey saw, that that worde, though it were not na-
med, yet was necessarily concluded, and gathered out
of the holy scriptures. Nowe I note the example, and
practise of the fathers, to this ende and purpose. It ap-
peareth thereby, that they held for trueth, and for the
word of God, not onely that which was named, and
expresse in the scriptures: but also that, which by in-
ference, or illation, might be concluded from the same.
And therefore, although the scripture hath no where
the very name, or worde consubstantiall: yet because
the matter which they would signifie in that worde,
was partly expresse, and partly, to be concluded from
the scripture: therefore, they doubted not, to receive
it, as a pointe of faith, grounded assuredly vpon the
word of God. And so say I, concerning this case of
vsurie. It is true, that the very name, and worde of vs-
urie, is no where found, nor mentioned in the newe
testament: yet because the matter, and practise signified
in that worde, is by necessary consequence, and con-
clusion, inferred to bee forbidden in the writings
of

Vsurie is condemned

in the new testament.

of the Euangelistes, and Apostles: therefore, I doubt not, but I may boldly affirme this for truth, that vsurie is condemned euen in the new Testament. Now, that it is by many, and manifest inferences, condemned in the new Testament, may easily appeare in these instances, and examples. The new Testament saith, *What soeuer ye would, that men should do to you, euē p Mat. 7. 12.* so do ye to them. Now, vsurie obserueth not this rule: for the vsurer imposeth that burdē vpon another, which he will not gladly beare himselfe: therefore vsurie is forbidden, in the new Testament. Againe, the new Testament saith, *From him that will borrow of thee, turne not away, therein commending vnto vs the loving, and charitable dutie, and vse of lending. p Mat. 5. 42.* Now vsurie, ouerturneth the nature, and equitie, and vse of lending: therefore vsurie is forbidden, in the new Testament. Againe, the new Testament saith, *that no mā oppresse, or defraude his brother in any matter. 1. 1. Thes. 4. 6.* But vsurie, if it be open, and direct, it oppresseth, if it be conert and secret, it both oppresseth and defraudeth a man: therefore, vsurie is forbidden, in the new Testament. Againe, the new Testament saith, *Let him that stole, steale no more. p Ephes. 4. 28.* Now vsura, furtum est: Si enim vsura, furtum non esset, nequaquam Deus prohibuisset: vsurie is theft: for if it had not bene theft, God would neuer haue forbidden it. And S Hierome said, *u vsuras querere, vel fraudare, vel rapere, nihil differunt: to take vsurie of a man, differeth nothing from colening, & robbing of a mā. u Hieron. citat. ab Heming. & alijs. x Ambros. lib. de bono mortis. citat. a Grat. decret. part 2. caus. 14. quest. 4. y Luc. 6. 35. z Beza annot. in Luc. 6. 35.* Well the, y new Testament forbiddeth theft: & vsurie is one branch & kinde of theft: therefore vsurie is forbidden in the new Testament. Last of all, the new Testament saith, *Lend looking for nothing again. Concerning which speech of Christ, although I acknowledge with M. Beza, that they are deceiued which wrest this place*

Usurie is forbidden

in the new testament,

a *Ibidem.*

to thee direct prohibition of vsurie: yet I doubt not, but from that place a man may draw a very sufficient argument against vsurie, and conclude as doth M. Beza upon that saying, *Illustramen certum est, si inuandus est proximus, etiam nulla recipienda sortis habita ratione, multo magis prohiberi foeneratorias pactiones.* Yet this (saith he) is certaine, that if our neighbour must bee holpen by lending, euen without any regard had of receiuing, the very principall againe, then much more vsurari-ous couenants are forbidden and condemned. So then in M. Beza his iudgement, vsurie is by inference forbidden in the new Testament. It is therefore no good argument to reason thus, vsurie is not named, or it is not forbidden in the new Testament: *ergo* the lawes concerning vsurie are not morall. For though vsurie be not named, yet is it by many inferences condemned in the new Testament: which is an argument y it is a breach, and transgression euen of the morall law.

It were needlesse, and superfluous for any man to attempt the answering of all obiections, made in the defence of this vnlawfull practise. If the Scriptures alledged before against vsurie, be cleared of those doubts, which haue bene before objected: & it be proued that y lawes concerning vsurie are morall, & that they forbid it both to friend and stranger, yea both to rich & poore: & that they condemne not onely griping, & oppressing vsurie, but all measure thereof be it neuer so small: and lastly if it appeare to bee condemned not onely in the old, but also in the new Testament: then all other reasons which carnall reason hath deuised, must fade and fall to nothing. For reason must yeld vnto the word of God, and the necessitie of mans life vnto the authoritie of the Scripture. It was a good rule prescribed by S. Augustine, *Opus est mitescere pietate*: men (saith he) must be milde, or soft, or tractable in godlinesse. Ne-

b *August. de doctrina Christiana. lib. 2. cap. 7.*

que

The Scripture must be

alwayes yeelded vnto.

que contradicere diuina Scriptura, siue intellecta si aliqua vitia nostra percutit, siue non intellecta, quasi nos melius sapere, meliusque percipere possimus. We must not contradict or gaine say the holy Scripture, neither that part of it which we vnderstand if perhaps it reproveth any of our defaults, neither yet that part which we vnderstand not, as if we were wiser and could better prescribe duties or doctrine vnto men. The Scripture in cases manifest must bee obeyed, though it gainsay our will and affections, in hidden things, it must be beleued, though it cōtradict our opinion and iudgement: else we shall neuer attaine to the sounde knowledge thereof, nor conscionably practise that which we know, nor in the end receiue the reward of our conscionable practise.

The fourth, and last principall point. In which is declared, that vsurie is not to bee practised of a Christian man, no not though it were not simplie forbidden in the word of God.

But go to: say it should be graunted, that there is no expresse word of God cōdemning simply and generally these kindes of vsurie: yet doth it not therefore follow that the practise of them is cleare from all default. The Apostle saith, *c* all things are lawfull for me, *c* 1. Cor. 10. 23. but all things are not expedient. Noting, that some things may be done lawfully in respect of themselves, which cannot be done expediently in respect of circumstances. Now, how vnerpedient it is for any Christian man to lend vpon vsurie (though it were lawfull in it selfe) shall euidently I hope appeare by that which followeth.

1. First, Salomon by this reason condemneth their couetousnesse, who in time of scarcitie hoard vp the victuals, from sale to the people: *d* He that withdraweth *d* Pro. 11. 26.

The vsurer haled the curse

of the people vpon him.

e Pellican.com.
in pro. 11. 26.

the corne, the people will curse him, that is, (as one well expoundeth it) *e male is audit passim, eidem male precabuntur egent familia Dei, oditur ut diuitem & perfidum, deo erit & hominibus odiosus.* Such a man shal be euery where euill spoken of, the poore (who are Gods familie) will banne and curse him, he shall be hated as an hard harted and miserly wretch. Th a word, he shalbe hated both of God and man. Now, if there be any strength in that argument, to dissuade men from haouelle of hart, and vncharitable to wardes the poore in that case, namely that in so doing, they hale the curse of the people vpon their heades: then certainly, this is a very sufficient reason, to dissuade men from practising of vsurie, euen because that, he who lendeth to vsorie the people will curse him. For indæde, euery man whether he bee rich or poore, whether he borrowe or borroweth not, will curse and banne an vsurer. He that is rich and needeth not to borrow, if he be a man of a tender hart, and hath any sympathie of another mans miserie, will curse an vsurer for pinching of the poore. Hee that is poore, (and therefore needeth to borrow,) but cannot borrow for want of sufficient securitie to put in, he curseth the vsurer for the hardnesse of his hart. Hee that hath neede to borrow, and doth borrow, many times curseth the vsurer to his face, when he carieth home his borrowed goods, for the griping & oppression which in the end he feeleth from that practise. So that, whether we speake of poore men, or of riche, of him that borroweth, or of him that borroweth not: vsurie is alwayes (as B. Iuel sayd of it) the curse of God and the curse of the people. And therefore, if it be hatefull to vs, to haue euery mans tounge to curse vs, and euery mans hart to maligne vs: then let vs abstaine from this cursed course of vsurie.

f Io. Iuel. ferm.
in. 1. Thes. 4. 6.

2. Besides that, we may not, nay we cannot be ignorant how the Scripture requireth vs onely to do such things

Good report must be

sought of a Christian.

things as are of good report in the world. & *Procure* *Rom. 12. 17.*
 (saith) the Apostle *things honest in the sight of all men.* And
 againe: *what soever things are of good report, &c. thinke* *h Phil. 4. 8.*
on these things. And no marueile, though the Scripture
 excite vs hereunto. For, by doing things which are
 well reported of, a man shall grow to good report him
 selfe. Now, *A good name is better then a good ointment:* *i Eccles. 7. 3.*
yea, it is to bee chosen before much riches, sayth Salo- *k Pro. 22. 1.*
 mon. For indeed, it is alwayes more comfortable then
 the one, and many times more profitable then the o-
 ther. S. Augustine sayd truly, that *such as care not* *August. de*
what report goeth of them, and make no account of *bono viduitatis*
their estimation, deale not onely vnwisely for them *cap. 22.*
selues, but also vcharitably to wardes others. And
 why? *Nobis necessaria est vita nostra, alijs fama nostra:*
 our good life is necessarie for our selues, that it may bee
 rewarded: but a good name is necessarie for others: that
 those which are already of our profession may be ther-
 by credited, and those which are not, may bee drawen
 on to christianitie. For the good report of the professour
 auayleth much to y^e spreading of his profession. Lacta-
 tius speaking of this very case of vsurie, sayth that *A* *m Lactant. lib.*
iust or an honest man, will not defile himselfe with any, *6. de Vero cul-*
such kinde of gaine, but will haue alwayes this care *tu. cap. 18.*
and respect, *ut id ipsum quod commodat inter bona nomina*
nominetur: that, that which hee lendeth may bee lent in
 such order, as that it may be well reported of, and well
 spoken of among the people. A benefite, which he that
 lendeth to vsurie can neuer attaine. For who is of so
 ill report, and of so little estimation, as is the vsurer for
 his trade: not the catch polle, not the promoter, not
 the executioner, no not the very scauenger. And no
 marueile: for the worst of them is of some vse and be-
 nefite to the common weale, but this man is the sub-
 uersion and the destruction thereof. Bromyard giueth

Vsurers of euill report.

Infamous persons.

an instance of a certaine preacher, who knowing that there were many vsurers among his auditoꝛie, brake out in his Sermon into asking of the question, *Si aliquis esset vsurarius*, if there were euer an vsurer there present? When euery man held his peace, and no man made answere to that question, he demaunded againe, *Si ibi aliquis esset Cloacarius*, if there were euer a scauenger there? (I giue it the cleanliest name for reuerence sake: other wise ye know what *Cloacarius* meaneth.) One rising vp, and answering for himselfe, yea, there was one there, and he was that one: the preacher thereupon inferreth this inuectiue against vsurers. *Ecce videtis quam vile sit officium vsurariorum*: behold (sayth he) you may see hereby how vile a trade the trade of vsurers is. *Quia cum alius pro arte sua vilissima respondeat, ipsi pro arte sua loqui erubescunt*: for when this man answereth for himselfe in defence of his most filthy trade, they blush and are ashamed to answere for theirs. Now, why would an vsurer be ashamed to professe his trade in the most publique assembly, if it were of good report and account among men: Plutarch saith that the Publicane was a most infamous person, euen among the heathen: and so much also the Scriptures doe witnesse vnto vs. ¶ The Pharisies noted it as a contemptible thing in our Sauour Christ, that he did eate and drinke wth Publicanes. Now, *foeneratores Publicanos agunt* (saith Plutarch:) the vsurers play the Publicanes. And so they do indeed. For y^e Publicanes were *vectigaliū redemptores*, such as gathered tols or customes, or tributes, or taskes, or subsidies of the people. And the vsurers will haue their custonie penny, a man must pay their taske or he cannot escape their hāds, he must pay deepe tribut that is subiect to their dominion. And as for their cōditions, the Publicanes were such as *rapacitate provinciales exugerēt*: by their rauenousnes & gripplenes, did sucke

n Ro. Bromyard
summa predi-
cant. tit. vsura.

o Plutarch. lib.
de non fane-
rando.

p Mat. 9. 11.

q Calvin. har-
moni. in mat.
s. 46.

r Beza annot.
in mat. 9. 10.

Vsurers obie& that their discredite

is caused by Preachers.

vp, & soake dꝛy the pꝛze people of the Prouinces vnder their iurisdiction. Wherein they were a liuely patterne of y^e greedinesse & couetousnesse of the vsurer: whereby he casteth into an irrecoverable consumption, all those which for their disease seeke phisicke at his hands. Wel then, the Publicane was an infamous person: and the vsurer playeth the Publicane: and therefore no maruaile though he be of bad report among men.

But it is obie&ted in this behalfe, that the base account which is made of vsury among vs in these dayes, ariseth from the iniquitie of the time: and is of some imputed to the rashnesse and want of discretion, in the Ministers of the word, who with salt termes and ignominious speeches, haue brought the vsurers, and their doinges into so great disgrace. To which it may be truly answered, that this is but a seely deuise of the vsurers themselves. For, it is euident that in other countreys, and in former times, vsurie hath been alwayes accounted a very base and ignominious trade. Those which trauaile dayly from vs into the lowe countreys, do affirme, that no man dare there be scene (for shame) to enter into the Lumbardes house, for so they call the vsurer in that countrey. Yea, that it is not so much discredite to be scene going in, oz coming out of the common stewes, as it is to be founde hovering about the doꝛe of the vsurer: which argueth that in those places, it is reputed a very opprobrious thing.

Petrarch saith that there is not *fœdus studium*, a more filthie profession then vsurie, and that of former time, vsurers were seperated as leapers from the societie of men. Yea, B Iuel went further and reached to a longer day: for hee saith, *hæc, semper turpis fuit*, this was alwayes counted a filthy trade. And Chrysostome saith, *u extrema impudētia signum, fœnus semper iudicatum est*: vsurie was alwayes iudged a tokē of extreme impudēcie.

(Petrarch. de remedio Striusque fortuna. lib. 1. Dialog.

L. Humfred. in Vita Iuell. pag. 227.

u Chrysost. hom. 57. in Mat. 17.

Vsurie hath beene alwaies

of euill report.

x Centur. 12.
cap. 4. e P.
Cantor.

That is, (more plainely) hee was alwaies accounted a notable impudent man, and one past all shame, that durst without blushing, take by the practise of vsurie. Among many thinges which be alleadged to that purpose: that is famous which is recorded in one of the Centuries. The place is long, but it is so worthea president of this matter, and so cleare a looking glasse, for an vsurer to discern his face withall: as that I thought it no small offence, either to passe it ouer in silence, or to contract it into a shorter ryme. The words are these: ** Antiquitus in tota ciuitate vix vnus fœnerator inueniebatur, & ille quidem occultus, nec fœnerabatur nisi pauperibus: nec tamen nisi clam, data fide quod non publicaretur. De quo si fortè praua oriretur suspicio, dicebatur domus illius domus diaboli, vinea, puteus, ager diaboli: & deinceps osculum pacis non dabatur ei in missa: ignis à vicinis in domo eius non sumebatur, sed nec aliquis cum eo aliquod participium habebat. Pueri ad eius occursum puerescebant, & alterutrum eum digito monstrabant. Adeo enim detestabile tunc temporis fuit vitium vsuræ.* The wordes in english are thus much in effect. In old time scarce one vsurer was to be found or heard of in a whole citie, and he dealt but very secretly, and closely neither, and hee lent to vsurie to none but to the poore, and hee would not lend to them neither, but priuily, and binding them by a faithfull promise that they should not disclose him. And if happilie there arose anie euill suspicion of him that way in the citie, then his house was commonly called the diuels house, the vineyarde, the well head, the fielde of the diuell. The paxe was not offered to him to kisse in the time of the celebratiõ of the masse: the neighbours would not fetch fire from his house: no nor any man would haue anie fellowship with him. The children were afraide to meete him in the strætes, as if they met a bugge or a monster: and one would point at

vsurie hath bene basely

esteemed, of states men.

at him with the finger to an other. So detestable in those dayes was the sinne of vsurie. Thus wee see, that it is not the sole opinion of this time, but of all times, not of this countrey onely, but of other countreys also, so basely and ignominiously to account of vsurie.

And if any man will yet farther reply, that this vile account which is made of vsurie, is but the private conceipt of some particular persons: let him knowe that mighty princes, and whole states, haue decreed and concluded of vsurie, that it should be accounted and reputed to all purposes for a very infamous action.

Luther sayth, *¶ Vtuit Casar ne usurarius haberetur & indicaretur vir bonus & honestus.* Caesar forbade that any vsurer should bee accounted or adiudged in lawe (or in common estimation) for a good and an honest man.

y Luther. de
taxanda & sura
tom. 7.

And D. Wilson sayth, *¶* that in lawe, they are defamed persons, and that the lawe defames them. So that, a put

D. Wilson.
fol. 136.

therasemy brother make an vsurer his heire, I may break the testament, and by excluding of him bee admitted my selfe, by complaint of a testament made against office or good right: because he is thereby constituted the heire whome the lawe hath disabled to inherite, as an infamous person. And surely no man will though vsurers be of so bad and euill report, and haue bene euer reputed as men of extreme infamie. For first, their course

a L. improbum.
Et ibi Bald. C.
de infamis.

of life is baser then any, *¶ Vita feneratoria omnium specierum vite reuera abiectione abiectione, & odiosissima.* The vsurers life is more base, and hatefull then any kind of life or trade which is imployed about goods or money. Secondly, their conditions are commonly as bad as any.

b Zuinger.
Tab. in Ari-
stet. de repub.
lib. 1. cap. 11.

M. Caluine sayth, *¶ Adcoplus quam rarum est eundem esse hominem probum & feneratorem:* It is more then rare (or it is very seldome seene) that one and the same person, should be both an honest man, and an vsurer. Now, their trade being so base, and their conditions so euill: no

c Caluin. epist.
respons. de vsu-
ris.

mar

No full perswasion, in the

practising of vsurie,

maruaile though shame follow them at the heeles, as the shadow doth the body by nature. For, *Ignominia comes turpitudinis*: Shame is the companion of beastlines. But to conclude at length the point now in hand: sith the word of God inioyneth vs to doo things of good report, and vsurie is a thing which all times, all countries, all sortes of people haue helde in extreme contempt: though it should bee granted, that no expresse worde of God doth absolutely condemne it, yet we see how vnbeseming, and vnerpedient a thing it is, to be practised of a christian.

3. But to procéde. The Apostle sayth wryting to the Romanes, that ^d*Whatsoever is not of faith is sinne.* And the name of faith I take with M. Caluine in that place, ^e*Pro constanti anima persuatione & firma certitudine.* For a constant perswasion and certaine assurance of the hart. As if Paul had sayd: whatsoever a man doth, not being resolutely perswaded in his conscience, ruled by the worde of God, that therein he doth well and pleaseth God: this is reckoned and imputed for sinne vnto him. Now, I can but wonder in my heart, what kind of ^{of} *persuasion*, what full perswasion and resolution of conscience, the vsurer can gather to himselfe, that hee doth well, and pleaseth God in the practising of vsurie. Considering that, first, there is no example of any godly man to be found either in holy scriptures, or humane wryters, that euer tooke vp that kinde of profession. No, B. Iuel whose wrytings do argue him to bee a man that had red. exceeding much, sayth confidently and boldly, ^f*Such a kind of bargaining no good man or godly euer used.* Secondly, considering that most learned men of all ages, and places, haue condemned it. Yea, hee went farre that sayd, (and yet was he wise enough to consider what hee sayd,) ^g*God, nature, reason, all scripture, all lawe, all authors, all Doctors, yea all Councils* beside,

^d Rom. 14. 23.^e Caluin. com.

in Rom. 14. 23.

^f Io Iuel. serm. in 1. Thes. 4. 6.^g D. Wilson fol. 192.

Defenders of vsurie speake warily.

Quod dubitas ne feceris,

beside, are vtterly against vsurie. Thirdly, considering that those which are supposed to speake most for vsury, as Caluine, Bucer, Bullinger, and some others, when they intreate of this argument, they touch it tenderly, as if a man did handle a soare, and they vse many preambles befoze they come to it, to pzeuent the euill aduantage which bad men would happily gather from their wordes, and they appzooue it not, but with many and those very strict limitations: and lastly, M. Caluine will haue no man to holde his opinion and iudgement for a decree and generall rule in that case. Now, when a man hath no example to goe befoze him, when hee hath the opinions of so many against him, when hee shall see that those which iustifie it, speake very sparingly, and they that adomit it doe it very warily, and the best of them will not haue men to rest vpon their opinion: I wonder whence it is that our vsurers are so resolute without doubting to appzooue it, and without all feare to practise it. Antoninus sayd well, and it is a maxime in lawe, ^h *In dubijs tutior via est eligenda:* In doubtfull cases we must take the safer way. This case of vsurie, though in it selfe I hold it out of doubt, yet by reason of some new wryters, is among many growen into question: therefore wisdome would, that men should aduise themselves to saile the surest course. And which is that? Alciare doth by his carde plainly point it out vnto vs: ⁱ *Cum dubium est, an aliquid peccatum sit vel non: credendum est esse peccatum, quia id tutius.* When it is a doubt or a question, whether a thing bee sinne or no: it is to bee beleued and helde that it is a sinne: because that is the safest opinion. Therefore if any man doubt (as I see not but the most resolute vsurer may doubt) whether vsurie be a sinne or no: let him beleene and holde that it is a sinne, till hee clearly see the contrarie, and so abstaine from it as from an vn-

^h Antoninus.
summa part. 1.
tit. 20. de regulis iuris.

ⁱ Andreas Alciat. respons. lib. 1. Concl. 3. cap. 24.

Vsurers are a meanes of

Gods curse vpon men,

lawfull and vngodly thing. So shall hee bee sure to take the safest way. For, neither in the doing of the thing, nor in the wauering of the mind, shall he offend against the maiestie of God.

k Psal. 109. 11.

l Musculus.
com. in Psal.
109. 11.

4. I will not stand long to shewe, that this is one of the evils which David wisheth to light vpon his enemy: namely, that he and his goods might fall into the vsurers handes. *Let the extortioner catch all that hee hath, and let the strangers spoyle his labour.* Now, it is to be noted, that the worde which we in our english read extortioner, the Greeke interpreter translateth *δωρῆς* and Tremellius, Pagnine, yea and the olde translation also readeth, *Fœnerator*, an vsurer: *Let the vsurer catch all that he hath.* And Musculus commenting vpon that place of the Psalme, obserueth from thence two notable thinges worthe of our consideration. The first, *1 Maledictionis genus esse si quis incidat in illorum laqueos*: It is a kind of curse to fall into the vsurers bandes. The second, *Esse illos non benedictionis, sed maledictionis ministros*: The vsurers are the ministers not of blessing, but of cursing vnto men. Now, if the borrower did well consider of the one, namely that it is a curse to grow in debt to an vsurer: & if the lender did lay to hart the other, namely that hee is but an instrument or hande to hale Gods curse vpon a man: I suppose that neither borrowing, nor lending vpon vsurie, would seeme so smal a matter, nor proue so common a thing, as it doth with most men at this day in the world.

5. But I come to y which I suppose to be very material, and which should binde vs that are Englishmen especially, from the lending vpon vsurie: yea though it were not directly nor generally cōdemned in the word of God. It is to be considered (and wise men I doubt not do obserue it) that those men of learning, which speake most for vsurie, do referre the approuing or dis-
prouing,

Allowance of vsurie said

to depend on the Magistrate.

proving, the enlarging or restraining thereof unto the authoritie of the ciuill Magistrate. What if the gouernor, or magistrate allow it to be vsed, then it is allowable: if he abolish it, the it is to be abolished. M. Calvin prescribeth this rule among others to be obserued in vsurie, *ne excedatur certus modus, constitutus in quavis regione*: that the vsurer excede not in taking the certaine rate ordeined in euery countrey. Whereby it appeareth that he referred the moderation of vsurie vnto the Magistrate and gouernour. ⁿ Bucer commenteth Iustinians law for the moderating of vsurie, & approueth the equitie of the Romaine lawes in that behalfe. From whence it may be gathered, that he also reposed the disposing of vsurie, in the discretion of the Magistrate. Bullinger saith, *o sancti magistratus erit, coercere usurarios a quibus legibus, constitutis neque pro temporum & locorum, personarum & rerum qualitate, quod equum, iustum, & sanctum fuerit*: It is the dutie of a godly Magistrate, to restraine the vsurers by equall lawes, and to ordeine in this case that which is iust, and equall, and holy, as the times, and places, and persons, and matters shall require. Therefore in his opinion if the Magistrate see it good to allow it, he may: if he see it not good, he neede not allow it at all. For, so farre hee may allow, or not allow it, as he shall see by circumstances that it is expedient. Lauater saith, *particulare iudicium de contractuum formis, equalitate & iustitia, peti debet ex bonis & a quibus legibus*: the particular iudgement of the formes, equalitie, & iustice of contractes, must bee sought and fetched from good, and equall lawes. Therefore by his iudgement, the lawes (and so consequently the Magistrate, who is the mouth of the law) must determine either of the lawfulnessse, or the vnlawfulnessse of this case of vsurie. But Zuinglius hath a notable place to this purpose, so notable, that though it bee long, yet I will not

magistratus p
iustitia in ali
m. 1. 1. 1. 1.

m Calvin.
epist. respons. de
vsuris.

n Bucer. com. in
Psal. 15.

o Bullinger. de
cad. 3. serm. 1.

p Lauater. ho.
mil. 76. m
Ezek 18.

Allowance of vsurie

dependeth on the Magistrate.

q Zuinglius.
lib. de duplici
iustitia. tom.

feare tediousnesse in the repeating thereof. ¶ *De vsura & fœnore sic sentio*: as touching vsurie and increase thus I thinke, or this is my iudgement. *Quando magistratum leges fœnus exercere permittunt, iam illud soluere debent, quicunque pecuniam ijs conditionibus receperunt*: when the lawes of the magistrate doe permit the exercising of vsurie, they ought to paye the vsurie which haue taken money vpon such conditions. But he addeth a little after, *Si magistratus ea integritate est, ut fœnus non ferat, nec fœneratoribus ius dicat, nullo iure fœnus deberi affirmo*. If the magistrate be of that integritie, that hee will not permit vsurie, nor giue sentence for the vsurer, or heare the cause of the vsurer: then I affirme, that the increase is due to bee payd by no law. Then we see his opinion is, that where the Magistrate permitteth vsurie, there the borrower is bound to pay the increase: but where the magistrate permitteth it not, there it is by no law due vnto the lender. And consequently we see, that it was his iudgement, that the permission, or not permission of vsurie (as touching the people) depēdeth vpon the Magistrate. All these testimonies, I repeate to the w, that it is the opinion euē of those that seeme most to fauour vsurie, that the approuing, tolerating, relieving, and moderating therof, dependeth vpon the positiuē lawes of countreys, & the ciuill authoritie of the Magistrate. Which if it doe, then we that are inhabitants of this Realme, and members of the Church of England: haue not left vnto vs so much as a figge leafe to couer our nakednesse, I meane wee haue not the least colour, or pretence in the world, to defend the practising of vsurie in our countrey. For it is to be knowne and acknowledged, to the glory of God, and to the honour of our Church, and to the euerlasting renoune of Queene Elizabeth and her gouernement, that all the authoritie, and all the lawes which are now in force, both in the

Vsurie is forbidden

by the Common Lawe.

the Church and common weale, haue forbidden and do forbid vsury, throughout the whole realme of England. For the manifestation whereof, wee are to consider that the strength and state of our countrey, dependeth partly vpon the common law, partly vpon the statute law, partly vpon the ciuill law, and partly vpon the canon law. Now, all these so farre as they are at this day in force, do condemne and inhibite vsurie.

And first for the common law. I finde that Glanvill sometimes Lord chiefe Iustice of England in the dayes of Henrie the second, deliuereth this for the law of the land, namely: that all the goods of an vsurer, whither hee dye making a will, or not making a will, are proper to the king. Agréeable to this is that, which Mathæus Parisiensis reporteth in his writings. His wordes are these. *Quicquid laici in vita sua donauerint, vel quocunque titulo à se alienauerint, et si vsurarij fuisse dicuntur, post mortem non reuocabitur*: whatsoeuer lay men haue giuen away in their life time, or by what title soeuer they haue alienated any thing from themselves: although they were sayd to be vsurers while they liued, yet after their death it shall not be reuoked. *Qua verò post mortem non alienata fuerint, si cognitum fuerit ipsos tempore mortis fuisse vsurarios, confiscabuntur*. But the things which were not alienated after their death, if it bee knowne that at the time of their death they were vsurers: they shalbe confiscated or forfeited to the crowne. So then by the ancient common law of this land, vsurie is prohibited, vpon the penaltie of the losse of all the goods of the vsurer.

r D. Wilson.

fol. 196.

Glanuill. lib. 7.

cap. 16.

(Mathæus Paris. in Vita Ricardi 1.

Proceede we from thence vnto the statute law: and we shall see that from time to time, diuerse kings of this Realme, haue by their Actes and Statutes condemned vsurie. In the dayes of Edward the third the confiscance of the vsurers deceased, was allotted to the kyng: 5.

r Anno. 15 cap.

Henry the 8. tolerated some vsurie.

Edward the 6. forbade all vsurie.

The conifance of vsurers alieue, to the ordinaries of holy Church. In the dayes of Henrie the feuenth, by one statute: ^{u Anno. 3. cap. 5} All vsurarios bargaines were made voyde, and ^{x Anno. 11. c. 8.} of none effect: and by another, ^y vsurers were punished with the forfeiture of the moytie, put forth to vsurie. In the dayes of Henrie the eight, ^{p Anno. 37. c. 9.} those that tooke aboue ten in the hundred, were punished with the forfeiture of the treble value of the goodes put forth to vsurie. ^{z Anno. 5. c. 6} The which acte (sayth the Parliament ^{Edwards. 6.} assembled in the raigne of Edward the sixt,) was not ment nor intended, for the maintenance and allowance of vsurie, &c. As by the title and preamble of the same acte, it doth plainly appeare. For indeede, howsoever king Henries statute doth tolerate for necessities sake, the lending for vsurie in some rate and measure: yet the pzeamble thereof doth manifestly and flatly call it, an vnlawfull thing. But whatsoever king Henrie intended, it is cleare that king Edward the sixt by his statute, condemned indeede all kindes and all measure of vsurie: and affirmed directly, that ^a vsurie is by the word of God vitterly prohibited, as a vice most odious and detestable. Lastly, came Queene Elisabeth ^b *nobilissimum instrumentum*, that most noble instrument of God, as M. Beza rightly calleth her. She indeede repealed king Edwardes statute, ^c because (as her Acte alleadgeth,) It had not done so much good as was hoped for: but rather the sayd vice of vsurie, and specially by way of sale of wares and shifis of interest, had much more exceedingly abounded. The vsurer being therein like vnto the water, which the more it is pent, the more it swelleth: and like a thiefe, who when he is locked in at the prison dore, breaketh out at the window. Euen so, the vsurers being by king Edwards statute absolutely restrayned, from all measure of vsurie: they fell to Whistes, subtelties, and deuices, yea and that with the more

^a *Ibidem.*^b *Beza. epist. ad Anglia regiam. ante nouum testamentum.*^c *Anno. 13. c. 8.*

Q. Elisabeths statute

approveth no vsurie.

more greedinesse, by how much it was the more generally forbidden. For

Nititur in vetitum s. mper cupimusque negata:

The more we are restrained from ought, the more we run therto.

In consideration whereof, she reuoked and adnihilated K Edwards statute: but did she therefore approve or iustifie vsurie? no: one sayd well, that ^{d Phil Stubs.} Those that say that the lawes in England do allow of vsurie, and license men to commit it freely: doe staunder the lawes, ^{The Anatomie of abuses fol. 75} and are worthie of reprehension. For, that Queene Elisabeths statute doth not allowe nor approve vsurie, may appeare evidently by these reasons. First, it is intituled An Act, (not for or in defence, but) against vsury. Secondly, it calleth vsurie a vice, or sinne: the vice of vsurie. Thirdly, it saith, that all vsurie is forbidden by the lawe of God, and is sinne and detestable. Fourthly, wheras commonly penal lawes are administered with as fauourable exposition as conveniently they can be, for the benefit of the subiect offending: in this statute, there is a speciall proviso that It shall bee most largely and strongly construed to the suppressing of vsurie. And lastly, it is so farre from approving any, as that it punisheth vsurie even to the lowest degree and measure. For, whereas whosoever lendeth to vsurie, must of necessity lend either for tenne, or aboue tenne, or vnder tenne in the hundred: it punisheth him that lendeth for aboue tenne, with a treble forfeiture of the principall: and him that lendeth for tenne, or vnder tenne, with the forfeiture of the vsurie and increase. So that, neither the taking of tenne, nor more then tenne, nor lesse then tenne, nor not the taking of one penie in the hundred is approved by that statute.

¶ Sir (will some man say) but Queene Elisabeths statute, exempteth from the penaltie thereof, all vsurie taken for the reliefe of orphanes in the citie of London, and

Ciuill lawes tolerate

Some things for necessitie.

e Beza annot.
in Math. 19. 8.

and such other places. I answer: the lawe generally condemneth vsurie in it selfe and in the owne nature: but it is compelled to tolerate it in that particular case, for very necessities sake. M Beza hath a notable saying, fully fitting this purpose. *Leges ciuiles si bene sunt constituta, nihil quidem precipiunt quod Deus prohibuerit, & nihil prohibet quod Deus praeceperit*: The ciuill lawes of princes, if they bee rightly ordained, doe commaund nothing which God forbiddeth, neither doe they forbid any thing which God commaunderh. *Sed improbitate hominum, coguntur multa duntaxat moderari, quae penitus tollere non possunt*: But by reason of the wickednes of men, they are compelled onely to moderate manie thinges, which they cannot altogether take away. *Et haec sunt quae permitti legibus dicuntur*: And these are the things which are sayd to be permitted, or tolerated by lawe. An instance of this hee giueth in this very case of vsurie: which many magistrates are compelled to permit, because they see it cannot bee vtterly abolished. And this is it, which is to be sayd in defence of Queene Elizabeths statute, concerning that clause. Iniquitie hath nowe gotten the vpper hand so much, and mens heartes are growen so hard, and so colde in the duties of charitie: as that the gouernours of this age, haue beene compelled to tolerate that one point, for the reliefe of poore childzen and orphanes, which other wise they feared for want of due prouision would fall to vtter decay. God beareth many thinges at our handes by reason of our obstinacie, and we must beare manie thinges amongst men for their want of charitie. For other wise, wee knowe what the Church of England teacheth: namely, that *we must not doe euill that good may come thereof*. And if the s Councell of Laterane rightly resolued, that as a man must not lie to saue another mans life, so he must not lend to vsurie to redöme

f Rom. 3. 8.
g Concil. Lateran.
sub. Alex.
and. 1 part. 16
de vsuris.
cap. 1.

Orphanes may be provided

for, without vsurie.

a Christian out of the hand of the Turke: then may we easily gather what is to bee iudged of money lent to vsurie for the maintenance of orphanes. And thirdly, it is euident y if people were as they might, and as they should be, there were other meanes by which orphanes might be prouided for. As ^h *Contractus redemptionis, contractus societatis*: The laying to morgage, the bargaining by societie: and such other contracts allowed by lawe, and iustificable by the worde of God. Wee see that in the dayes of K. Edward, men being more mercifull, and more carefull ouer the poore, then now they are among vs: the orphanes were well and sufficiently prouided for, euen when vsurie was altogether and vtterly prohibited. But it is not for vs to dispute what might be done if men would, (for nothing is hard to willing mindes:) but wee are to consider what can now be done, as the times serue, and as men are affected: which was the onely reason no doubt, why they that condemned vsurie in generall, were compelled to exempt that one particular from penaltie. So then by the common and statute lawe of this lande, vsurie is condemned.

h Chemnit. loc. com. tom. 2. tit. de paupertate. cap. 6.

Come we now vnto the ciuill lawe, and we shal find that therein also vsurie is prohibited. For the vnderstanding whereof, we are to remember, that the bodie of the ciuill law, is diuided as it were into thzee parts. The first conteineth the lawes made before the Romaine estate became a monarchie: and with them, those lawes which were made after it arose to a monarchie, from the time of Iulius Cæsar, vnto the raigne of Constantine the great. And these are called *Pandectæ*, the lawes or volumes of the pandects. The second parte containeth those lawes which were made from the time of Constantine, vnto the raigne of Iustinian the Emperour: comprehending also some of Iustinians lawes.

Z

And

The ciuill lawe

condemneth vsurie,

i L eos §. 1. c. de
vsuris.k Constitut.
131. de ecclesi-
asticis canonibus,
& priuilegijs, &c. Vel de
ecclesiasticis titulis.l Concil. Nicen.
cap. 18.

And those be called the Code, or the lawes of the Code. The third containeth the latter lawes made by Iustinian: and they be commonly called *Novella constitutiones*, or *Autentica*, The lawes of the Authentiques. Now, it must be confessed, that by the Pandects, and the Code, vsurie is not simplie forbidden, but tolerated and permitted vnto a certaine rate. But by the Authentiques, which are the latter lawes, (and so doe abrogate the former) it is euident and manifest that vsurie is altogether prohibited. For, Iustinian among other decrees of his, enacted this for a lawe: *Sancimus vt sancti ecclesiastici canones, qui à sanctis quatuor concilijs, (hoc est, Niceno decem trecentorum & octo, Constantinopolitano centum quinquaginta doctorum patrum, Ephesino primo, in quo Nestorius condemnatus est, & Calcedonensi, in quo Eutichus cum Nestorio anathemate percussus est,) expositi & confirmati sunt, vicem legum obtineant.* We decree (saith the Emperour) that the holy ecclesiasticall canons, which were published and confirmed, by the foure holy councils, (that is, by the councell of Nice, consisting of three hundred and eightene, by the councell of Constantinople, consisting of a hundred and fiftie learned fathers, by the first councell of Ephesus, in which Nestorius was condemned, and by the councell of Calcedon, in which Eutiches and Nestorius were both accursed,) shall haue the place, or the power, or the authoritie of lawes. By this constitution of Iustinian, all the decrees of the Councell of Nice, are (among the rest) established and ratified for Autenticall lawes. Now, the councell of Nice concluded directly, & expressly against vsurie, in this forme of wordes. *Quoniam multi Clerici auaritia causa turpia lucra sectantes, obliti diuini precepti quo dictum est, (qui pecuniam suam non dedit ad usuram,) fœnerantes, centesimas exigunt: statuit hoc sanctum concilium, vt si quis inuentus fuerit post hanc definitionem usuras accipere, vel ex*

quo libet

The ciuill lawe

condemneth vsurie

quolibet tali negotio turpia lucra sectari, vel etiam species frumentorum ad septuplum dare: omnis qui tale aliquid conatus fuerit ad questum, deiciatur à Clero, & alienus habeatur ab ecclesiastico gradu. Because manie Cleargie men following of couetousnes filthie lucre, forgetting the commaundement of God which saith, * *He that hath* * *Psal. 15. 5.* *not giuen his money to vsurie:* exact after ten in the hundred: this holy councell enacteth, that if any man shall bee founde to take vsurie after this decree made, or by any such practise to followe filthie lucre, or to put forth anie kind of graine to increase: hee that attempteth any such thing for gaine, shall be cast out of the cleargie, and reckoned as none of any ecclesiasticall degree. Thus did the councell of Nice conclude against vsurie: and Iustinian ratified this with the other canons of that councell for a lawe: therefore by that lawe vsurie is condemned.

Now if any man reply (as happily some will) that the Councell forbiddeth vsurie onely in Ecclesiasticall persons, and so will inferre, that notwithstanding that canon, it is lawfull in the common people: he must knowe that howsoever Church men, or Cleargie men, (as we call them) are onely named and specified in that decree: yet because the reason which induced them to enact that Canon is drawen from the worde of God, (for they alledge the words of the Psalmist to that purpose:) and the worde of God is a rule and squire, not onely to the Cleargie, but also to the layetic, that is, both to men of the Church, & to men of the Common weale: therefore the receiued iudgement of the lawe and lawyers is, that vsurie is by it forbidden in all estates, degrees, and callings of men. So then vsurie is prohibited by the ciuill lawe.

And is the Canon law any whit more beneficfall to this trade: Nay: that aboute all the rest damneth it (as

Canon lawe condemneth vsurie

both in Clergie and Laitie.

m Canon. Apostol. cap. 43.

n Concil. Arles. secundum. cap. 14.

o Concil. Carthage. 6 cap. 17.

p Concil. Elebert. cap. 20.

q Concil. Lateran. part. 1. cap. 25.

r Concil. Lugdunens. tom. 3.

s Statut. Synod. Hildesheimens. cap. 46.

t D Wilson. fol 138.

u Ibidem fol. 139.

x Ibidem.

we say) even to the pit of hell. For, the Canons of the Church forbid it vpon great penaltie both in the Clergie, and in the Laye people: for so you must giue me leaue to speake now after the manner of Lawyers. In the Clergie. The Canons ascribed to the Apostles say, *m* *Episcopus aut Presbyter, aut Diaconus, qui usuras à mutuum accipientibus exigit, vel desinet, vel deponitor*: The Bishop, or Priest, or Deacon which exacteth vsurie of the borower, let him either surcease to do it, or let him bee deposed from his office. The Councell of Arles sayd, *n* *depositus à clero, à communione alienus habeatur*: let him that taketh vsurie, be deposed from the Clergy, and be secluded from the communion. The Coucell of Carthage sayd, *o* *Abijciatur à clero, & alienus à Canone sit*: let him bee cast out of the Clergie, and secluded from the Canon. A number of other testimonies might be alledged, some of which I will be contented onely to quote for breuities sake. Concil. Turonic. 1. cap. 13. Concil. Laodice. cap. 5. Concil. Colonienf. part. 2. cap. 31. All which, with many others, doe strongly inhibite vsurie in the Clergie. And as for the Laytie (by which name they vnderstand all those that are not entered into the holy orders of the Church) against them the constitutions and Canons of the law, are yet more seuer. For the law *p* excommunicateth them, & debarreth them of the communion, & disanulleth their testaments, & denyeth vnto them Christian buriall, & permitteth not a Minister to visite them in time of sicknesse, nor any man to bee present at the making of their wils, *u* nor any publique Notarie to draw their wils. *x* So the law sayth, no man ought to take care what become of an vsurer, though hee begge his bread, or dye for hunger: because his life is as hatefull as it is abhominable. But among many other thinges, I may not forget that our late English Canons agreed vpon by the

The Canons of the Church

of England against vsurie,

the Conuocation house for this prouince of Canterbu-
ry, y do couple vsurie with the most greuous sinnes
of heresie, schisme, periurie, incest, and Adulterie. And do
ordeine that the sentence of excommunication, shall
not bee denounced against an vsurer, but by the Arch-
bishop, or Bishop, or Archdeacon, or by a Prebendarie
at the least, in his owne proper person. Whereby it
appeareth, that the authoritie of the Church of Eng-
land, would not onely procede against vsurie accor-
ding to the penaltie of the ancient Canons: but would
also set such a brande, and a marke vpon the face ther-
of, as it might bee noted, and reputed, for a right grie-
uous and hainous offence. Thus then we see, that
both the common and statute law of this land on the
one side, and the Ciuill, and Canon law on the other
side: that is to say, all the authoritie and power both
of the common wealth and Church of England, haue
forbidden and condemned vsurie. That we may truly
say in this respect as he sayd in Plautus: ^z

y Canones adi-
ti London. An-
no. 1584. cap. 4.

*Nullum adipol genius hodie est hominum tetrius,
Nec minus bono cum iure quam Danisticum.*

z Plautus. Me-
stellus. Act. 3.

There is not a worser kinde of men liuing, nor any that
dealeth with lesse iustice, or equitie, or conscience, or ap-
probation of law, then doth the vsurer. Now, we haue
heard it declared before, that those which speake most
for vsurie, haue notwithstanding submitteth the ap-
proving, the reiecting, the tolerating, the moderating
of vsurie, vnto the statutes of severall countreyes, and
the authoritie or determination of the Magistrate.
And therefore if the vsurers will stand to their iudge-
ments, to whom they are wont to appeale as to their
speciall patrons: then certainly, forasmuch as they
liue here in a Church and Kingdome, in which vsurie is
so generally by all kindes of gouernement prohibited
and condemned: they may not be any practisers there-

The conclusion of the treatise.

Exhort. to the vsurer to amend.

of, no not though it were not simply forbidden by the worde of God.

I Come now at length to the shutting vp and conclusion of this whole treatise. Seeing we haue learned, not onely what vsurie is, and what are the kindes and branches thereof: but also that it is forbidden in the worde, vpon very great and sufficient reasons, and that it is in so many respects, an vnfit thing to be practised of a christian man: I exhort all those who haue hitherto kept themselves vnspotted of this euill, that so they abide and continue still. And I say to them with our Sauour Christ in the Reuelation: ^a *He that is righteous, let him be righteous still: and hee that is holy, let him be holy still.* Partake not the vsurers sinne, lest yee be also partakers of his punishment. Those that haue beene ouertaken with this euill, not seeing (it may be) the iniquitie thereof, I exhort as the Apostle doth the Ephesians, ^b *Let him that stole steale no more:* Let him that hath lent to vsurie, lend to vsurie no more. ^c *Loose the bands of wickednes, take off the heauie burdens:* that is, (as Hierome expoundeth it) ^d discharge the poore men of their bandes, at the leastwise of their interest, in which and for which they stand bound vnto you. Ease them of that burden, wherewith they are so laden, as a number are dayly puld vpon their knees, yea laid along, yea swallowed vp of pouertie. Leave off that trade, surcease that course: the way to goodnes is neuer entered too late. Cyprian sayd well, ^e *Nec in ultimis Dei clementia poenitentes excludit:* The mercie of God excludeth not them that repent at the last houre. ^f *Nec serum est quod verum, nec irremissibile quod voluntarium:* The repentance is neuer too late that is done in trueth, neither is that repentance without pardon which is willingly done. But if any man bee so farre gone in this disease,

^a Apoc. 22. 11.^b Ephes. 4. 28.^c Esay. 58. 6.^d Hieron. com. in Esa. 58.^e Cyprian. ser. de passione Christi.^f Cyprian. ser. de Cena Domini.

Denouncing of euill

to the obstinate vsurer.

disease, that he is past recourie, and his heart is so far hardened, as it cannot be pearced with the worde: to him I say as it is in the Reuelation, *g He that is vniust, let him be vniust still: and he which is filthy, let him be filthy still.* Continue in thine euill, delight in thine euill, blesse thy selfe in thine euill. But withall, take y^e which followeth in the same place, as a stinge in the taile: *h And beholde I come shortly, and my reward is with me, to giue euery man according as his workes shall bee.* It is not long, befoze the Lord Iesus wil come against thee in iudgement, either particularly at the day of thy death, or generally in the end of the world. And then, that God who hath promised that, *i Hee which giueth not his money to vsurie shall dwell in his tabernacle, and rest in his holy mountaine:* He will take thee that doest the contrary, and cast thee into a cleane contrary place, euen into vtter darkenes, where shall be weeping and gnashing of teeth.

g Apoc. 22. 11.

h Apoc. 22. 12.

i Psal. 15. 1.

And because the nature of worldly men is such, that the losse of their goodes will rende their hearts in peices, when the feare of the losse of heauen will not once stirre their affections: therefore let mee end my speech to them, with that sentence of Salomon, *k He that increaseth his riches by vsurie and interest, gathereth them for him that will be mercifull to the poore.* If God be true and this be the word of God, let them feare, that as God tooke *l Gen. 31. 9.* the goodes of couetous Laban, and gaue them to holy Iacob: so he will take the riches which they haue vnlawfully gathered, from them, and from their house, and from their children: and will bestow them vpon others, who shall shew themselves better imployers, and disposers of his blessings. And least this sentence of Salomon should seme to be a frivolous funnise, and want his due effect, let mee make relation of some examples,

k Pro. 28. 8.

l Gen. 31. 9.

Examples of vsurers whose

children fell into pouertie.

m Heming.
com. in lac. 5.

examples, which Hemingius a godly and learned man, hath obserued and recorded from his owne experience. He saith, that when he was a child there were only two vsurers knowne, & of note in the whole kingdome and countrie where he dwelt. One was a man but of meane place, and dwelt in *Chersoneso Cimbrica*: so hee nameth the place, and I cannot otherwise expresse it, because I know not the countrie. This man grew exceeding rich by leading bpō vsurie, & died (as it seemeth) leauing abundance of wealth. And yet after his death, the children that he left behinde him fell into extream pouertie. In so much that a daughter of his was found to haue not so much as a whole coate on her backe to couer her nakednes, and was many times seene, *Obire sordidissimum ministerium*, To doe most base or vile seruice to get her liuing: and yet could not thereby keepe herselfe from beggery. The other vsurer, he saith, was borne of a better house, and had much wealth left him of his auncesters. But, following this trade, & growing very rich thereby: it came to passe that after wards part of his goodes were confiscated to the crowne, and the rest serued to the maintenance of luxurie, & prodigalitie. To these I might adde some examples of our owne. And if we were wise to obserue the proceedings of God among vs, it were no harde thing to point out beggarly children that haue descended from vsurarius parentes. But those are more safely commended to your secret meditations, then publiquesly detected to the world. This onely let mee admonish you of, that as you tender the continuance of that wealth which you loue so well, and as you desire to reserue it to the benefite of your posteritie: so haue a speciall care not to increase it by vsurie and interest, lest God translate it from you to another family, and make you to gather it for him, that will be mercifull vnto the poore.

Last

Magistrates, and Church-gouernours

are exhorted to suppress vsurie.

Last of all, sith the sword is committed to the Magistrate that the euill may feare, & sith he is the minister of God for the suppressing of sinne: let me exhort him, that hee bend the point and edge of his authoritie, towards the throte of this vniust and vncharitable practise. Wee knowe that by the statute, ^{n Statut. Anno} Iustices of Oyer and Terminer, and Iustices of assises in their circuites, ^{13. Elisab. ca. 8} Iustices of peace in their Sessions, Mayors, Sherifes, and Baylifes of Cities, haue full power and authoritie to inquire, heare, and to determine of the mayne breaches of this lawe, touching the offence of vsurie. Let it neuer be reported in the generations to come, that vsurie hath in our time gone away vncontrouled by authoritie, or that Magistrates herein haue borne the sworde in vaine, or that the countrie hath not been in this case benefited by their gouernment. And the ecclesiasticall gouernours I exhorde, that sith the same statute hath giuen them libertie also to punish and to censure the extremitie of this euill: they would bend themselves and their strength, to suppress this vnchristian, this heathenish, this Iewish kinde of practise. It was the complaint of the commons in Fraunce, ^{o Bertrand.} that the ^{contra Petrum} Officials were too strict, and too busie, and too gripple in ^{de Coniers in} inquiring after vsurie: and that for conetousnes of his ^{Biblisothec. Pa-} goods they would conuent every man for an vsurer, ^{trum tom. 5.} and drawe him within the compasse of that default. ^{colum. 389.} But certainly, it may be the complainte of the commons of England, that many Officials are too loose and remisse in pursuing of this offence. No man is presented, no man is ascited, no man is conuicted, no man is punished euer since I could remember, by the ecclesiasticall lawe for the committing of vsurie. And yet the poore people every where complaine of a number of men, that by one meanes or other take aboue the rate of tenne, yea of twentie in the hundred: the punish-

Ministers must be wise

in reprobuing of vsurie.

p Luth. de
taxand. & su-
ra. tom. 7.

q Heming. in
Iac. 5.

ment of which excesse, the statute hath flatly permit-
ted vnto the ecclesiasticall gouernours. And certaine-
ly the dayly growth and increase of this euill seemeth
foz to argue, that both Diuines, and Lawyers, both
preachers in the church, and gouernours of the church
haue beene too sparing, the one in reprobuing, the other
in punishing and suppressing this enozmitie. Luther
sayd, *p Illi qui in scholis profitentur, diligenter hac inuen-
turi inculcare debebant*: They which are publique pro-
fessors in schooles, should beate vpon these points dili-
gently, to the youth that are their auditors. *Et illi qui
in foro causas agunt litigatores, diligenter & serio hac de re
debeant monere & edocere*. And they that handle causes
in the courts, should diligently and earnestly admonish
and instruct the people of this matter. Yea, wee would
haue scholemasters to teach their schollers while they
are children, to detest and abhorre the very name of
vsurie. But now, while men are neither taught to
leauē this sinne, nor punished foz the committing of
this sinne: each man takes libertie to doe herein that
which is right in his owne eyes, yea which is gaine-
full to his owne purse. As if there were no king in Is-
raell, that is, as if there were no gouernement, nei-
ther in the Church, nor common weale of England.
But thanked bee God there is gouernement in both:
and that gouernement which I hope will bee hereaf-
ter more vigilant in this case. To conclude: my fel-
low ministers I exhort, that they lift vp their voices
as trumpets, and tell the people of this sinne. *q Non
tamen sine spirituali prudentia*: Yet not without spirituall
wisdomē: which may direct vs, when, and where, and
to whom, and in what manner to speake of this ar-
gument. But let vs take hēde that wisdomē quench
not our zeale, and while wee will become too discrete,
we forget how fozward we should bee in reprobuing of
euill.

euill. If we be instant in admonition this way to the
people, and then seeke vnto God for a blessing vpon
our labours: it may be that our owne eyes may see in
our time the languishing and decaying of this offence,
to the glozy of God, and the benefite of his
Church. To which God be honour,
and to which Church be peace
both now and euer.
Amen.

The ende of the sixt Sermon prea-
ched Iulij. 2. 1593.

Barnard. serm. 61. in Cant.

*Meritum meum Miseratio
Domini.*

M. M.